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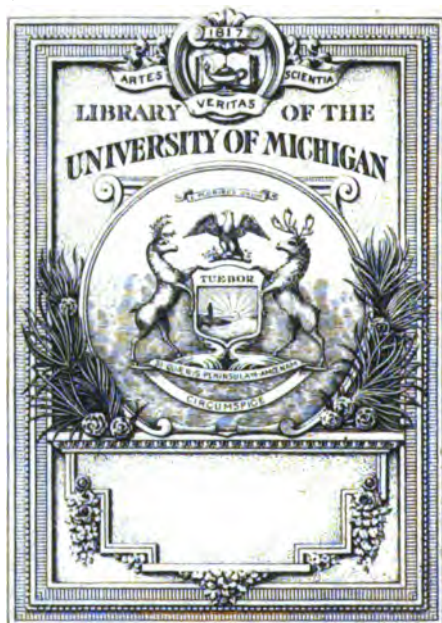
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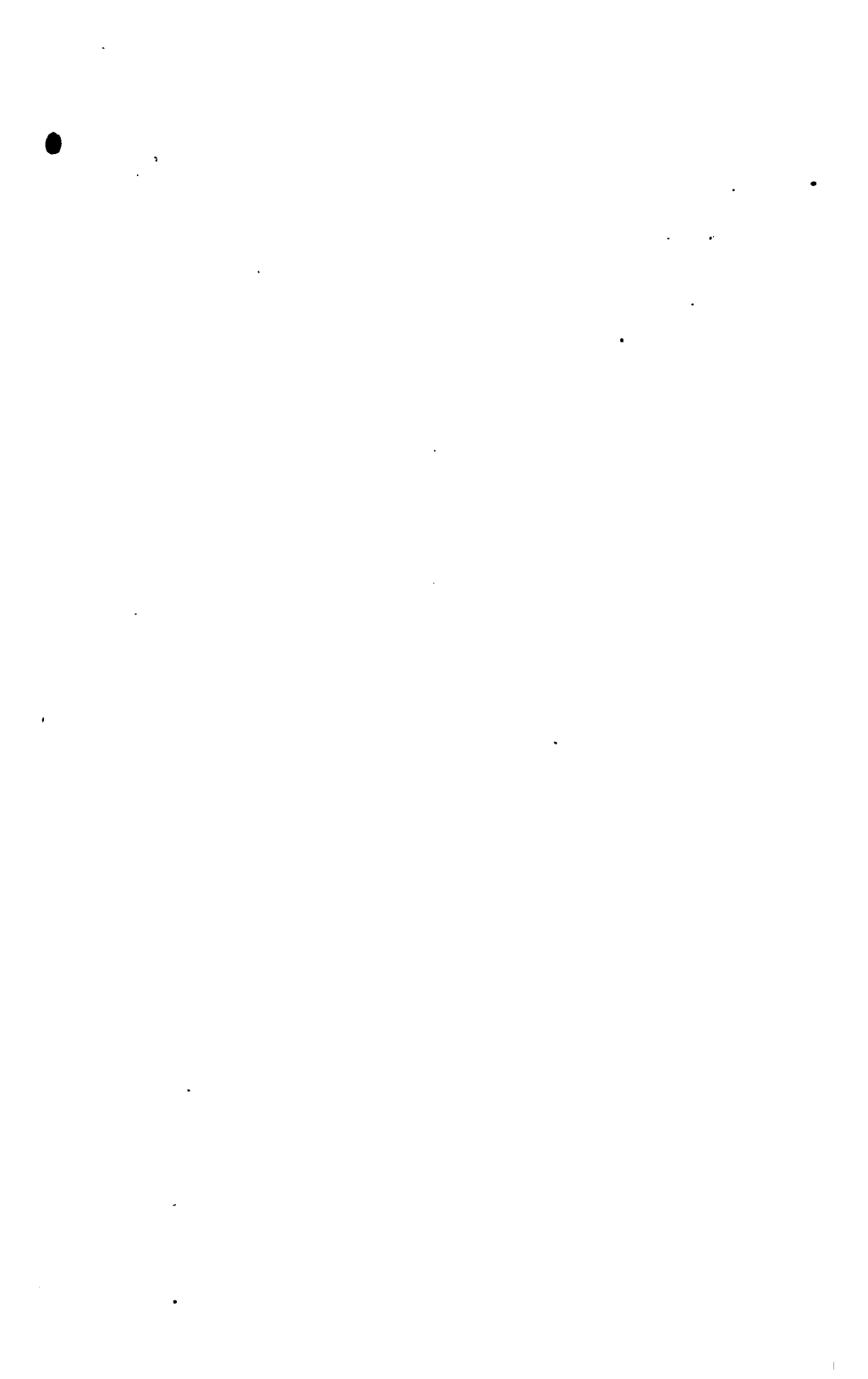


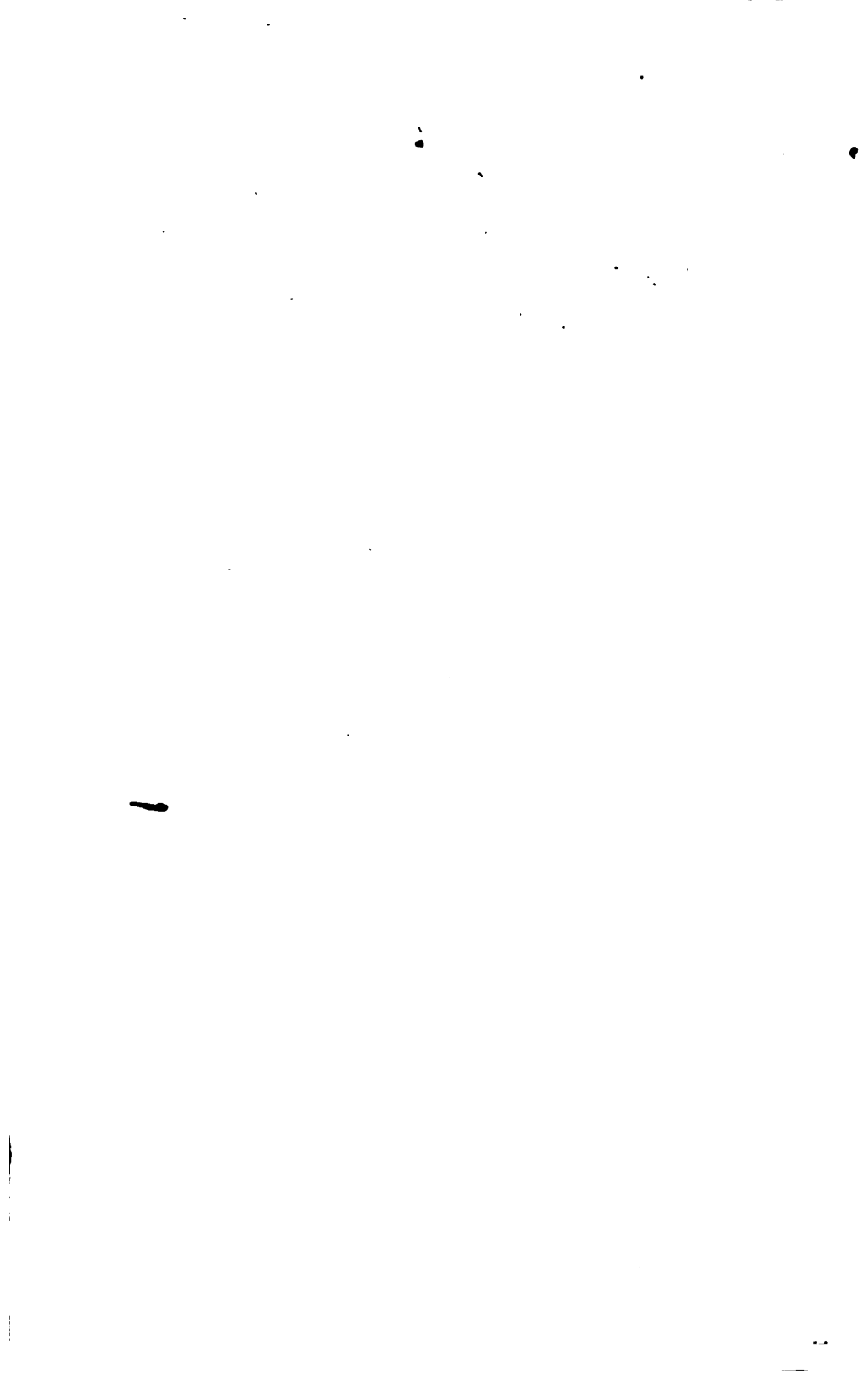


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JOURNAL  
OF THE  
**ASSEMBLY**  
OF THE  
STATE OF NEW-YORK;

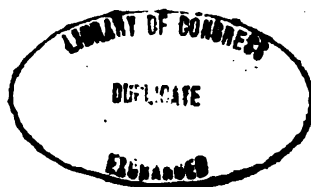
AT THEIR  
SEVENTY-SECOND SESSION,  
BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY,  
ON THE SECOND DAY OF JANUARY, 1849.



ALBANY:  
WEED, PARSONS & CO., PUBLIC PRINTERS.

.....  
1849.

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## STATE OF NEW-YORK.

Assembly Chamber; in the City of Albany;

TUESDAY, JANUARY 2, 1849.

PURSUANT to the sixth section of article tenth of the Constitution of this State, the gentlemen whose name are given in the following list, with the exception of those marked with an asterisk, appeared in the Assembly Chamber. The said list contains the names of the representatives in Assembly for the current year.

<i>County.</i>	<i>Name.</i>	<i>Assembly District.</i>
Albany, .....	Hiram Barber, .....	1
	*David Van Auken, ....	2
	Robert H. Pruyn, .....	3
	Joel A. Wing, .....	4
	Orville Boardman, .....	1
Allegany, .....	Erastus H. Willard, ...	2
	John O. Whittaker, ....	
Broome, .....	Seth R. Crittenden, ....	1
Cattaraugus, .....	Horace C. Young, .....	2
	James D. Button, ....	1
Cayuga, .....	John I. Brinckerhoff, ...	2
	Hector C. Tuthill, ....	3
	Silas Terry, .....	1
Chautauque, .....	Ezekiel B. Gurnsey, ..	2
Chemung, .....	Alvan Nash, .....	
Chenango, .....	James Clark, .....	1
	Alonzo Johnson, .....	2
Clinton, .....	Albert G. Carver, ....	
Columbia, .....	James M. Strever, ....	1
	Daniel S. Curtis, .....	2
Cortland, .....	Ira Skeel, .....	
Delaware, .....	James E. Thompson, ..	1
	Luther Butts, .....	2



<i>County.</i>	<i>Name.</i>	<i>Assembly District.</i>
Dutchess, .....	*Edgar Vincent, .....	1
	Wesley Butts, .....	2
	James Hammond, ....	3
Erie, .....	Benoni Thompson, ....	1
	Augustus Raynor, ....	2
	Marcus McNeal, .....	3
	Luther Buxton, .....	4
Essex, .....	George W. Goff, .....	
Franklin, .....	George B. R. Gove, ..	
Fulton and Hamilton,	John Culbert, .....	
Genesee, .....	Tracy Pardee, .....	1
	Martin C. Ward, .....	2
Greene, .....	Alexander H. Bailey, ..	1
	Albert Tuttle, .....	2
Herkimer, .....	Frederick P. Bellinger,	1
	Asa Wilcox, .....	2
Jefferson, .....	George Gates, .....	1
	*John L. Marsh, .....	2
	Bernard Bagley, .....	3
Kings, .....	Joseph Boughton, ....	1
	Edwards W. Fiske, ....	2
	John A. Cross, .....	3
Lewis, .....	Diodate Pease, .....	
Livingston, .....	Archibald H. McLean, .	1
	Philip Woodruff, .....	2
Madison, .....	David Maine, .....	1
	Robert G. Stewart, ....	2
Monroe, .....	Levi Kelsey, .....	1
	L. Ward Smith, .....	2
	Elisha Harmon, .....	3
Montgomery, .....	Frothingham Fish, ....	1
	Lewis Averill, .....	2
New-York, .....	Ephraim H. Hudson, ..	1
	James Bowen, .....	2
	Henry J. Allen, .....	3
	George J. Cornell, ....	4
	Samuel T. McKinney, ..	5
	James W. Beekman, ..	6
	Abraham Van Orden, ..	7
	*William Dodge, .....	8
	Charles Perley, .....	9
	Garret H. Striker, ....	10
	*Robert B. Folger, ....	11
	Daniel B. Taylor, ....	12
	Joseph B. Varnum, jr. .	13
	Robert G. Campbell, ..	14
	Merwin R. Brewer, ....	15
	Albert Gilbert, .....	16

<i>County.</i>	<i>Name.</i>	<i>Assembly District.</i>
Niagara, .....	Hollis White, .....	1
	Morgan Johnson, .....	2
Oneida, .....	Oliver Prescott, .....	1
	Nehemiah N. Pierce, ..	2
	James M. Elwood, ....	3
	Chauncey Stevens, ....	4
Onondaga, .....	Joseph J. Glass, .....	1
	Myron Wheaton, .....	2
	Joseph Slocum, .....	3
	Samuel Hart, .....	4
Ontario, .....	Dolphin Stephenson, ..	1
	Josiah Porter, .....	2
Orange, .....	David C. Bull, .....	1
	David H. Moffatt, Jun'r.	2
	Maurice Hoyt, .....	3
Orleans, .....	Reuben Roblee, .....	
Oswego, .....	Henry Fitzhugh, .....	1
	Edward W. Fox, ....	2
Otsego, .....	L. Mortimer Gilbert, ..	1
	David B. St. John, ....	2
	Charles C. Noble, ....	3
Putnam, .....	James J. Smalley, .....	
Queens, .....	Wessell S. Smith, ....	
Rensselaer, .....	Amos K. Hadley, .....	1
	Benajah Allen, .....	2
	William H. Budd, ....	3
Richmond, .....	Gabriel P. Disosway, ..	
Rockland, .....	Matthew D. Bogart, ..	
St. Lawrence, .....	Harlow Goddard, ....	1
	Justus B. Picket, .....	2
	Noble S. Elderkin, ....	3
Saratoga, .....	Roscius R. Kennedy, ..	1
	William W. Rockwell, ..	2
Schenectady, .....	Israel R. Green, .....	
Schoharie, .....	David B. Danforth, ....	1
	Austin Sexton, .....	2
Seneca, .....	Jacob G. Markell, ....	
Steuben, .....	Abr'h'm J. Quackenboss, ..	1
	John G. Mersereau, ....	2
	John K. Hale, .....	3
Suffolk, .....	Edwin Rose, .....	1
	Nathaniel Miller, .....	2
Sullivan, .....	James F. Bush, .....	
Tioga, .....	*Ezra S. Sweet, .....	
Tompkins, .....	Darius Hall, .....	1
	Charles J. Rounselle, ..	2

<i>County.</i>	<i>Name.</i>	<i>Assembly District.</i>
Ulster, .....	Peter Crispell, Jun'r., ..	1
	James G. Graham, ....	2
Warren, .....	Reuben Wells, .....	
Washington, .....	Le Roy Mowry, .....	1
	Alexander Robertson, ..	2
Wayne, .....	Isaac Leavenworth, ....	1
	Peter Boyce, .....	2
Westchester, .....	William H. Robertson, .	1
	Harvey Kidd, .....	2
Wyoming, .....	Paul Richards, .....	
Yates, .....	John Wisewell, .....	

The members were called to order by Philander B. Prindle, Clerk of the last House of Assembly.

The Hon. Christopher Morgan, Secretary of State of the State of New-York, who was in attendance in the Assembly Chamber, administered to the members present the oath of office prescribed by the twelfth article of the Constitution of this State.

Mr. Taylor moved that the members proceed to choose a Speaker by ballot.

The Clerk put the question whether the House would agree to the said motion of Mr. Taylor, and it was determined in the negative.

The members then, on motion of Mr. Cross, proceeded to choose a Speaker by open nomination, and as the roll was called, each member present rose in his place, and nominated as follows, to wit :

FOR AMOS K. HADLEY.

Mr. Benajah Allen	Mr. Goff	Mr. Pruyn
Mr. Averill	Mr. Gove	Mr. Raynor
Mr. Bagley	Mr. Graham	Mr. Richards
Mr. Bailey	Mr. Green	Mr. Roblee
Mr. Beekman	Mr. Guernsey	Mr. Alex. Robertson
Mr. Boardman	Mr. Hale	Mr. W. H. Robertson
Mr. Boughton	Mr. Hall	Mr. Rockwell
Mr. Bowen	Mr. Hammond	Mr. Rose
Mr. Boyce	Mr. Harmon	Mr. Rounseville
Mr. Brinkerhoff	Mr. Hart	Mr. Sexton
Mr. Brewer	Mr. Hoyt	Mr. Skeel
Mr. Budd	Mr. Hudson	Mr. Slocum
Mr. Bull	Mr. Alonzo Johnson	Mr. L. Ward Smith
Mr. Bush	Mr. Morgan Johnson	Mr. Wessel S. Smith
Mr. Wesley Butts	Mr. Kelsey	Mr. Stevenson
Mr. Buxton	Mr. Kennedy	Mr. Stewart
Mr. Campbell	Mr. Kidd	Mr. Strever
Mr. Carver	Mr. Leavenworth	Mr. Stryker
Mr. Clark	Mr. McKinney	Mr. Terry

Mr. Cornell	Mr. McLean	Mr. B. Thompson
Mr. Crispell	Mr. McNeal	Mr. Albert Tuttle
Mr. Crittenden	Mr. Maine	Mr. Hector C. Tuthill
Mr. Cross	Mr. Markle	Mr. Van Orden
Mr. Culbert	Mr. Marsh	Mr. Varnum
Mr. Curtis	Mr. Mersereau	Mr. Ward
Mr. Danforth	Mr. Miller	Mr. Wells
Mr. Disosway	Mr. Moffatt	Mr. White
Mr. Fish	Mr. Mowry	Mr. Whittaker
Mr. Fiske	Mr. Pardee	Mr. Willard
Mr. Fitzhugh	Mr. Pease	Mr. Wing
Mr. Gates	Mr. Perley	Mr. Wiswell
Mr. Albert Gilbert	Mr. Pearce	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Porter	Mr. Young
Mr. Glass	Mr. Prescott	

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## FOR FREDERICK P. BELLINGER.

Mr. Bogart	Mr. Goddard	Mr. Stevens
Mr. Button	Mr. Nash	Mr. J. E. Thompson
Mr. Elderkin	Mr. Picket	Mr. Wheaton
Mr. Elwood	Mr. Quackenboss	Mr. Wilcox
Mr. Fox		

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## FOR CHARLES C. NOBLE.

Mr. H. J. Allen	Mr. L. Butts	Mr. Smalley
Mr. Barber	Mr. St. John	Mr. Taylor

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## FOR HIRAM BARBER.

Mr. Noble	1
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## FOR NOBLE S. ELDERKIN.

Mr. Bellinger	1
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Mr. Hadley having received a majority of the whole number of votes cast, was declared to be duly elected; and on being conducted to the Chair by Mr. Stryker and Mr. Bellinger, he addressed the Assembly as follows :

## GENTLEMEN OF THE ASSEMBLY,

We are met to enter upon the duties of Legislation under favorable auspices. The scourge of war has passed over, and our country is again at peace. We think we see the elements of increased prosperity in the approaching future. The principles of our government have again been subject to their severest trial, and have been found equal to the emergency. There needs but wise and patriotic legislation to secure to the people of this great state all the legitimate benefits of free institutions. Much remains unfinished of the legislation necessary to carry into effect important provisions of our yet new Constitution. This, in addition to ordinary legislation, to be accomplished

ed within the time allotted us for the purpose, demands at our hands unwavering exertion; and to be well done, will require no ordinary wisdom and foresight. Three millions of people are looking to, and must participate in, the result of your labors.

I thank you, gentlemen, for this renewed expression of your confidence; to be a second time called to preside over the deliberations of such a body, is an honor which I fully appreciate, and in return I can only assure you that such abilities as I possess shall be exclusively devoted to the discharge of the delicate duties devolved upon me,—aiming at once to promote the public good and your own comfort and convenience.

The best human efforts were powerless without the aid of “wisdom which cometh from above,” and I earnestly invoke that aid to our labors as the surest guide to the course best calculated to promote the happiness and prosperity of the people.

Mr. Rose offered for the consideration of the House, a resolution, in the words following, to wit:

*Resolved*, That Philander B. Prindle, of the county of Chenango, be, and he is hereby appointed Clerk of this House.

Mr. Nash moved to amend said resolution, by striking out “Philander B. Prindle of the county of Chenango,” and inserting in place thereof Benjamin Welch, jr., of the county of Erie.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the negative.

Mr. Taylor moved to amend, by striking out “Philander B. Prindle of Chenango county,” and inserting in place thereof, Timothy Daly.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Taylor, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as offered by Mr. Rose, and it was determined in the affirmative.

Mr. Richards offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That Samuel S. Blanchard, of the county of Wyoming, be, and he is hereby appointed Sergeant-at-Arms of this House.

Mr. Noble moved to amend, by striking out the name of Samuel S. Blanchard of the county of Wyoming, and inserting in lieu thereof, the name of James White, jr.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Noble, and it was determined in the negative.

Mr. Button moved to amend, by striking out the name of Samuel S. Blanchard, and inserting the name of Hiram P. Rowell, of Westchester county, in place thereof.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Button, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as offered by Mr. Richards, and it was determined in the affirmative.

Mr. Hammond offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved*, That Robert Grant, of Dutchess county, be, and he is hereby appointed Doorkeeper of this House.

Mr. J. E. Thompson moved to amend said resolution, by striking out Robert Grant of Dutchess, and inserting Stephen H. Edicks, in place thereof.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. E. Thompson, and it was determined in the negative.

Mr. Barber moved to amend the resolution, by striking out Robert Grant of Dutchess, and inserting James Sloan in place thereof.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Barber, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as offered by Mr. Hammond, and it was determined in the affirmative.

Mr. Maine offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That Thomas E. Osborn of Madison county, be, and he is hereby appointed Assistant Doorkeeper of this House.

Mr. Allen moved to amend, by striking out Thomas E. Osborn of Madison county, and inserting James Slocum of Otsego, in lieu thereof.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Allen, and it was determined in the negative.

Mr. Elwood moved to amend, by striking out Thomas E. Osborn of Madison county, and inserting Albert F. Harris of Oneida, instead thereof.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Elwood, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as offered by Mr. Maine, and it was determined in the affirmative.

Mr. Crispell offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved*, That Samuel Merclean of Ulster county, be, and he is hereby appointed Second Assistant Doorkeeper of this House.

Mr. Button moved to amend by striking out Samuel Merclean of Ulster county, and inserting William Hardenburgh of Cayuga, in place thereof.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Button, and it was determined in the negative.

Mr. Noble moved to amend by striking out Samuel Merclean of Ulster county, and inserting James E. Smith, in place thereof.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Noble, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as offered by Mr. Crispell, and it was determined in the affirmative.

The several officers were then duly sworn, and entered upon the discharge of their duties.

On motion of Mr. W. S. Smith,

*Resolved*, That the rules and orders of the last Assembly, be adopted as the rules and orders of this House, until otherwise ordered ; and the subject be referred to a committee of five members, to be appointed by the Speaker, to prepare and report rules for the further government of this House.

*Ordered*, That Mr. W. S. Smith, Mr. Fish, Mr. Bellinger, Mr. Cross and Mr. Noble, be such committee.

Mr. Campbell offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved*, That a committee of two be appointed by the Speaker, to wait upon his Excellency the Governor, and inform him that this House is organized and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That Mr. Campbell and Mr. Noble be such committee.

Mr. Cross offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved*, That a committee be appointed by the Speaker, to wait upon the Honorable the Senate, and inform that body that this House is organized and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That Mr. Cross and Mr. Elderkin be such committee.

Mr. Fiske offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved*, That the several clergymen residing in this city, and having charge of congregations, be invited to attend and officiate during the session as Chaplains, so far as to open the daily setting with prayer ; and that the Clerk of this House be and he is hereby directed to carry this resolution into effect.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Campbell from the committee appointed to wait upon the Governor, and inform him that this House was organized and ready to proceed to business, reported that the committee had discharged that duty, and that his Excellency was pleased to say that he would communicate with the House by message.

Mr. Cross from the committee appointed to wait on the Senate, and inform that body that this House was organized and ready to proceed to business, reported that the committee had discharged that duty.

A message from the Senate, delivered by Mr. Martin and Mr. Saxton Smith, was received, informing that they were appointed a committee to announce to this House that the Senate had met, and was ready to proceed to business.



A message from the Governor, delivered by his Private Secretary, was received and read in the words following, to wit :

*Fellow-Citizens of the Senate and of the Assembly :*

The commencement of another year has brought you together to discharge the high trust with which you have been commissioned by the people of this State, of enacting laws for the government of nearly three millions of freemen. Before you enter upon that important duty, permit me to congratulate you upon the circumstances under which you meet. The year which has just closed, has been one of unusual prosperity to the people of our State. The Almighty Ruler of the Universe has been pleased to vouchsafe to us a continuance of his many blessings ; the influences of religion and learning have been extended ; the labors of the husbandman have been crowned with the rewards of an abundant harvest ; the mechanic and artisan have enjoyed the well-earned return of their honest industry ; commerce and manufactures have continued to engage the enterprise and the intelligence of a large portion of the people, while the Arts and Sciences have gradually spread their influence, and are developing new sources of wealth and prosperity. Prominent among the benefits which the past year has brought, is the restoration to our country of the blessings of Peace. While other nations have been threatened with famine, or ravaged by pestilence, or convulsed by foreign wars, or by civil commotions, our thanks are due to Almighty God for His signal blessings conferred upon our country. We enter, then, upon the duties of our respective offices, surrounded by these evidences of the welfare of our people, as individuals, and of their prosperity as a Commonwealth.

The public confidence in the credit of our State was favorably exhibited by the terms on which the loans, authorized by the act of the last Legislature, " to provide for deficiencies in the Sinking Fund under the provisions of article 7 of the Constitution," were taken. A part of these loans were taken at par for stocks bearing five and a half per cent. interest, redeemable in the year 1855 ; the balance was issued at six per cent. interest, also redeemable in 1855, for which a premium, averaging 2.80 per cent. was obtained.

The entire debt of the State at the close of the last fiscal year, and the annual amount of interest payable thereon, was as follows :

	Am't of Interest.	Am't of Debt.
General Fund Debt,.....	\$336,044 85	\$5,989,693 32
Canal Debt,.....	905,037 54	16,674,898 91
do .....		38,751 00
Total,.....	\$1,241,082 39	\$22,703,343 23
In addition to this, there is a contingent liability of the State, arising from the loan of its credit to certain corporations, (which have hitherto paid the interest,) amounting to,.....		
		1,233,905 60

Making the entire outstanding debt, both direct and "contingent," on 30th Sept. last,..... \$23,937,248 83

There was on hand, on the 30th Sept. last, a surplus of the Canal Debt Sinking Fund, carried to the credit of the next fiscal year, available toward the payment of the above mentioned debt of,

\$115,953 40

There was a deficiency in the General Fund Debt Sinking Fund, of \$1,008.97, which had been advanced from the revenues of the General Fund,.....

1,008 97

114,944 43

Making the total liability of the State, on the 30th Sept. last, above the means on hand for its redemption, .....

\$23,822,304 46

The revenue of the State for the last fiscal year, was as follows:

I. General Fund. Surplus revenue the 30th Sept., 1847, .....

\$111,665 93

Permanent revenue, exclusive of the constitutional appropriation of \$200,000 annually, from the surplus of the canal revenues,.....

188,030 60

State Tax,.....

238,303 74

Miscellaneous and temporary receipts, .....

20,065 14

Sundry receipts, for which previous advances had been made, or which were to be withdrawn subsequently from the Treasury,.....

71,823 83

\$629,889 24

II. Canal Revenues. Tolls, including penalties, &c.,.....

\$3,153,614 24

Rent of surplus waters,.....

3,354 14

Interest on current canal revenue,...

47,101 78

3,204,707 16

Total revenue, .....

\$3,833,959 40

The payments out of the Canal Revenues above mentioned, amounting to, .....

\$3,204,070 16

Were as follows:—

Expenses of collection, superintendence and ordinary repairs,.....

\$855,850 64

Appropriated and set apart by article 7 of the Constitution—

I. Towards the Canal Debt Sinking Fund,.....

1,300,000 00

II. Towards the General Fund Debt Sinking Fund, .....

350,000 00

III. To defray the necessary expenses of Government, .....	200,000 00	
	<hr/>	\$2,705,850 64
Leaving the remainder of the revenues, .....		<hr/> <hr/> \$498,219 52

which sum is applicable to the completion of the Erie Canal Enlargement, the Genesee Valley and the Black River canals.

The canal tolls (including the tolls received from railroads) during the season of navigation, for the year 1848, amounted to \$3,459,690.29. Compared with the corresponding period during the year 1847, this amount exhibits a decrease of \$216,381.83. The tolls of the year 1847, were greatly augmented by reason of the extraordinary demand for provisions and agricultural products for exportation, to meet the necessities arising from the failure of the crops in many parts of Europe. From this cause, the tolls for the past season were less than those of the preceding year, yet as compared with all other years, they show a steady and rapid increase.

The enlargement of the Erie canal and the completion of the Genesee Valley and of the Black River canals are progressing as rapidly as the limited appropriations to those objects, under the Constitution, will permit. Previous to the resumption of the public works in May, 1847, about 98 miles of the enlarged canal, and 328 structures, had been brought into use at an expense of nearly \$10,000,000. The enlargement will embrace 980 structures, upon the entire length of the canal. At the opening of navigation next spring, there will be 113 miles of the canal, and 409 structures in use; in addition to which, a considerable amount of work will have been done on other portions of the canal, and on structures not then complete.

The entire length of the Black River canal will be 44 62-100 miles, exclusive of 42½ miles of slack water navigation, on the Black river. Contracts have been made, covering nearly all the work necessary to complete 35 miles of this canal, which, it is thought, will be brought into operation in the spring of 1850.

On the Genesee Valley canal, 52 miles are now in use; there being 66½ miles not completed. A large amount of work is under contract between the present termination at the Dansville side-cut, and the Canadea feeder, a distance of 36½ miles. The Commissioner in charge hopes that the canal may be ready for navigation to this latter point by the spring of 1850.

The rapid augmentation in the business of the canals has produced a corresponding increase in the number of boats employed in their navigation. According to the Register in the Auditor's office, the present number is 4,743, being an increase of 522 within one year. The magnitude of this indispensable appendage to our internal commerce, may be estimated from the fact, that the boats, if placed in line, would occupy nearly seventy miles of the length of the canals. The establishment of safe and convenient basins for the accommodation of such a mass of vessels, with the necessary appliances for the cheap and expeditious reception and discharge of their cargoes, has become a mat-

ter of public concern. Under the authority of recent laws, extensive basins have been commenced at the expense of the State, in the city of Buffalo; while the commodious basins constructed by local enterprise in the city of Albany, and by the Atlantic Dock Company in the harbor of New-York, have been eminently serviceable in securing from injury this large fleet of boats, which our system of internal navigation has called into existence.

The revenue derived from the three funds which are either entirely or principally applied to purposes of education, were on the 30th September last, as follows:

	Common School Fund.	Literature Fund.	U. S. Deposit Fund.
Capital,.....	\$2,211,475 14	\$265,806 78	\$4,014,520 71
Balance in Treasury 30th Sept., 1847,	\$124,947 16	\$18,204 69	
Receipts during the year, .....	117,220 25	18,183 61	\$251,577 24
Appropriations from the income of the U. S. Dep. Fund,	165,000 00	27,000 00	
Total receipts,.....	\$407,167 41	\$63,388 30	\$251,577 24
Payments during the year, .....	284,902 00	43,532 66	249,634 48
Balances of revenue in the Treasury 30th Sept., 1848,	\$122,265 41	\$19,855 64	\$1,942 76

I respectfully refer you to the reports of the Comptroller and the Commissioners of the Canal Fund, which will present a detailed statement of the financial statistics of the State.

The annual report of the Inspectors of State Prisons will present to you the state and condition of the prisons, and the receipts and expenditures of money during the year, with other details of the important interests with which they are charged.

I communicate herewith, in conformity with section five of article four of the Constitution, a statement of the reprieves, commutations and pardons, granted during the past year, by my predecessor.

Reports of the Adjutant General and Commissary General, which will soon be transmitted to the Legislature, will furnish full information on the subject of the militia, and the arms and other military material of the State.

The common school system of the State continues efficient in the discharge of its important objects. The number of organized school districts, reported during the past year, was 10,621; and the number of children taught in the common schools during the year was 775,723, being an increase of 27,336 over the number reported the preceding year. The number of unincorporated and private schools reported was 1,785, in which 32,256 children were taught; making

the aggregate of 807,979 children, who receive instruction in the common and private schools of the State. The amount of public moneys paid for teachers' wages, during the year, was \$639,008.00; and the amount paid on rate bills for teachers' wages was \$466,674.44, being an aggregate of \$1,105,682.44.

Intimately connected with the success of our institutions of learning, is the establishment and support of libraries for the use of the public. The liberal and far-seeing policy of the law of 1838, provided for the formation and gradual increase of libraries in each of the school districts of the State. During the past year \$81,624.05 have been expended by the State for this object. Upwards of one million three hundred thousand volumes have already been distributed, carrying the means of mental culture into every portion of our wide-spread territory. This beneficent legislation of the State, has recently been seconded by a signal example of individual liberality on the part of one, who, though not a native of our land, had realized in his own career the benefits of the full and fair participation in the privileges which the liberal policy of our institutions extends to all, without regard to the place or the circumstances of birth. John Jacob Astor, a native of Germany, who lately died at an advanced age, in the city of New-York, by his will, has devoted the large, and, in this country, unprecedented amount of four hundred thousand dollars, to the foundation and perpetual support of a library for the free use of the public. The trustees to whom the management of this munificent donation has been committed, will, under the directions of the will, apply to the Legislature for an act of incorporation to render the management of the library and its funds safe and convenient. I cheerfully commend their application to your enlightened encouragement. The foundation of such an institution, with its treasures of learning, cannot but be regarded as a striking event in the literary history of our State.

From the representations made to me, I am led to believe that the restoration of the office of County Superintendent would be productive of good to the School system. One of the injurious consequences of its abolition, as I am informed by the Department, is, that the reports for which it depended wholly on those officers, are now greatly diminished in number, and that many of those received are so imperfect as to be of little value.

The Report of the Executive Committee of the Normal School will show the condition of that most valuable agent in the cause of education. This school is doing a great and good work. It has ceased to be an experiment, and under its present judicious management, it is growing in the confidence of its friends, and attracting the interest of many who once doubted its practicability, or its usefulness.

The limits of this communication will not permit any detailed statement of the various public charities of the State. Their annual reports will exhibit their prosperous condition, and their labors in the accomplishment of the benevolent purposes for which they were designed.

The number of patients in the State Lunatic Asylum at Utica, on the 1st of December last, was 495, which is about as many as can well be accommodated in the institution. During the six years of its operation, this Asylum has received 2,014 patients, of whom 814 have been discharged cured. Personal observation of this institution, during the past summer, enabled me to notice the neatness, method and excellence of its management.

The Institution for the Deaf and Dumb, numbered among its pupils, in the latter part of November—

Beneficiaries of the State of New-York, .....	160
"    "    City of New-York, .....	16
"    "    State of New-Jersey, .....	8
"    "    Institution itself, .....	10
Supported in whole or in part by their friends, .....	29

Being a total of ..... 223

As the institution has no permanent funds, except its investment in buildings, its existence depends upon the annual appropriations of the Legislature, from which it receives nearly three-fourths of its income. In company with the Superintendent of Common Schools, I attended an examination of some of the classes during the last summer. A more interesting exhibition of the excellence and benefits of a public charity, could not have been enjoyed.

In the New-York Institution for the Blind, there were, on the 4th of December, 135 blind persons, viz :

Supported and educated by the State of New-York, .....	104
"    "    "    "    New-Jersey, .....	7
"    "    "    "    their friends, .....	3
"    "    "    "    gratuitously by the Institution, .....	1
Graduates employed as teachers and otherwise, .....	20

Total, ..... 135

To complete the usefulness of this institution, an appropriation of \$15,000 was made at the last session of the Legislature, providing for an asylum, where those who have finished the course of instruction, and acquired a trade, may support themselves by their own labor. I learn that the contracts have been made, and that the building is commenced, and will be completed within the appropriation. This excellent charity is accomplishing its benevolent objects. It is second to none in the excellence of its management, or in the humanity of its design. It merits, and I trust will receive, the continued aid of the State.

In the New-York Hospital, 3,178 patients have been under treatment, between the 1st of January and the 30th of November last; of whom 2,155 were discharged, cured. In the Lunatic Asylum at Bloomisdale, which is under the charge of the governors of the New-York Hospital, there were 120 patients on the 1st of December last.

The annual fair of the State Agricultural Society, held at Buffalo in September last, is represented to have been equal to any which had

preceded it; and exhibited the interest of our people, as well as their advancement, in those pursuits which the Society was intended to promote and encourage. This Society has heretofore made valuable contributions to the cause of agriculture, in several interesting volumes of its transactions. I understand that the report which it will present this winter, will contain more than the ordinary amount of interesting and valuable information.

The history of this State evinces that its Legislature has not been content to confine the exercise of its powers to the mere enactment of laws for the administration of the ordinary functions of government, or for the suppression of crime. Its canals, and other public works, its schools and institutions of learning, are proud evidences of a determination to promote the increase of its commerce and trade, and the moral improvement and happiness of the people, by acts of munificent, but judicious legislation. We have long recognised it as a high and holy duty of a civilized government, to provide for the general dissemination of learning—to foster the enterprise of its people—to develop the resources of the State—to encourage its industry—and to secure to that industry its surest and most ample rewards. Much has been done to effect these ends. A noble fund has been provided, and our common schools and academies are sowing broadcast the seeds of learning. The higher branches of science and the arts have not been neglected—the endowments of the colleges and universities have generally been liberal—and the rich return of these institutions, in the advancement of good scholarship, of profound learning, and of liberal and lofty science, is the surest evidence of the wisdom of the past liberality of the State, and the strongest incentive to its future continuance.

I think the time has arrived when the State is called upon to make provision for the advancement of agricultural science, and of knowledge in the mechanic arts. Of late years, the science of agriculture has received much attention, and its influence, in combination with the practical labors of those engaged in the ennobling pursuits of husbandry, has lessened the toil and increased the returns of the tillers of the soil. Similar influences have produced similar results, with respect to the mechanic arts. If the wealth, and power, and independence of a nation, are to be estimated by its ability to supply, from within itself, its most essential wants, and from its abundance to minister to the wants of others, it is both wise and politic for the State to aid the advancement of those particular branches of knowledge more immediately bearing upon the pursuits of the great producing classes.

In this view, I cannot too strongly recommend the endowment by the State of an agricultural school, and a school for instruction in the mechanic arts. I would suggest an annual appropriation to be expended under the direction of the Regents of the University, for instructors in the several branches of learning connected with agriculture and the mechanic arts. The appropriation should be sufficient to ensure the best talents, to test the utility of the plan, and if deemed expedient, its duration may, in the first instance, be limited.



The Constitution of the State omits to provide for the contingency of a vacancy occurring in the office of Governor, pending a vacancy in the office of Lieutenant-Governor. As every precaution should be taken to guard against a failure of the depository for the Executive power of the State, an amendment to the Constitution, to meet this omission, should be made.

Your attention is also requested to the necessity of providing by law for filling vacancies in office. Great inconvenience and injury to the public interests might result from an omission to exercise the power over this subject, which is confided to the Legislature.

Much of the time of the State Legislature is now occupied with business of a local character, which might, with propriety, and advantage, be transferred to the Boards of Supervisors of the several counties. A majority of the members of the Legislature can have but little personal knowledge of the merits of most of the local questions upon which they are called to act. A transfer of the power over these questions is in accordance not only with the theory of the Constitution, but with its express provision, and would bring the local legislation more nearly home to those directly interested in its results. And while it would elevate the office of Supervisor, it would leave to the State Legislature a larger portion of its time for the consideration of subjects of more general bearing.

I recommend to your consideration a modification of the Criminal Code. The punishment of crime should be certain, rather than severe. Long terms of imprisonment produce a crowded state of the prisons, which is made the justification of appeals to the Executive power of pardon, if it do not at times present a necessity for its exercise. In a popular government where every branch of the civil power is in a measure affected by public opinion, certainty cannot be attained unless the punishment which the laws prescribe, be in accordance with the prevailing sentiment of the community. That sentiment is undoubtedly opposed to a severe punishment. It frequently operates upon juries, to induce either an acquittal, or the conviction of a lesser crime, rather than a verdict which will be followed by a punishment beyond what the jury may deem adequate. However rigid the disposition of the individual vested with the power of pardon, the force of a sentiment strong enough to find its way into the jury box, will sometimes reach him, and open the door of the prison, before the expiration of the sentence. The certainty of punishment is thus sacrificed to the severity of the legal enactment. If this be correct, it suggests the propriety of abridging, in proper cases, the terms of imprisonment. By the present laws, no person can be sentenced to the State Prison for less than two years. I think this minimum might be reduced to one year. And I recommend the substitution of a larger sum than the law now prescribes for the division between grand and petit larceny. Our former penal code placed the limit of petit larceny at twelve dollars and a half; but as the exchangeable value of money receded, it was extended to twenty-five dollars. The same reasons which induced this change more than thirty years since, seem now to demand a further extension.

In connection with this subject, I also recommend the enactment of some regulations relative to the manner of applying for pardons. In the absence of any legislative provision on this subject, the applications for pardon becomes almost equal in number to the convictions.

It is not within the limit of my duty to suggest the nature, or the details of provisions which the Constitution has committed to the wisdom of the legislature; but in my view of the importance of restricting the exercise of this power, I cannot omit presenting the subject to your consideration. Under proper and judicious regulations, the number of applications for pardons will be greatly diminished; while the power can be exercised with greater discrimination and safety.

The interest and the convenience of the public, as well as a regard for the rights of property, seem to call for a revision and alteration of the laws under which taxes, and assessments for local improvements are imposed, and their payment enforced. In the exercise of the power of taxation, or in delegating it to other, and local bodies, the legislature should use the utmost vigilance to confine this severe attribute of sovereignty within the most rigid limits consistent with the public necessities. While the amount of the tax should be limited to the wants of the most economical administration of the government, the mode of its collection should have regard to the convenience of those who are to pay; and payment should be enforced in such manner as may most advantageously combine certainty with economy, and publicity of notice. Sales of land for unpaid taxes have hitherto been held at the seat of government, at irregular periods. I am aware that there has been strong objections, from those whose position and experience entitle their opinions to much consideration, to these sales being made to the counties within which the lands are situate. But I am not able to see sufficient force in these objections, to resist the arguments, based upon the convenience and the interest of the parties affected, in favor of transferring the place of sale to the respective counties. Many titles have been lost, and the hard earned savings of years of toil been swept away by means of a sale conducted at a distance, and without the knowledge of the party to be affected, for a tax imposed before the title had accrued. These sales, as now conducted, are sure to meet the attention of the vigilant, and of the wealthy land owner; while the inducements which they present of a high rate of interest, in case of redemption, and of still larger gains in case of an omission to redeem, attract the keen eyed and watchful speculator; but they are seldom brought to the personal knowledge of parties, whose only property consists of the lot of which they may be deprived by this remote, and to them not notified process. I trust that the Legislature can so regulate the transfer of the place of holding these sales, as to avoid the objections which have been made.

Under the present laws a very large amount of personal property entirely escapes taxation. I recommend such alteration as will dis-

tribute the burthen of taxation more equally, and will reach personal property more effectually and generally.

The levying of assessments for local or municipal purposes is frequently exercised so arbitrarily, and so oppressively, that the power of the legislature has often been invoked for its arrest and limitation. I cannot doubt that the Legislature ought to interfere in favor of the rights of property, against the too frequent abuse of this power. The authority under which these abuses are committed, is derived from the Legislature; and that body is therefore, in a degree, held responsible for its exercises by those upon whom it has been conferred.

A large number of claims against the State for damages on canal contracts, broken by the State, under the law of 1842, remain unadjusted. The State has already paid to contractors for their loss of profits, by reason of the suspension of the public works in 1842, the sum of \$450,738.91, and awards amounting to upwards of \$6,000, remain unpaid, by reason of the exhaustion of the appropriation to pay such claims. A further appropriation has become necessary.

Some of these unsettled claims amount to \$30,000 or \$40,000. They are decided by the Canal Board, which is also charged with the decision of all other claims under canal contracts, and of appeals from the awards of Canal Appraisers. This branch of its business, added to the other numerous and important official duties of the members of this Board, throws upon it an amount of labor beyond its ability to discharge. Delay inevitably results, and while the claimant is thus injured, the interests of the State are not properly secured, for want of adequate powers in the Board. There should be authority to dismiss a claim in default of its being brought to a hearing on an assigned day, and there should be some officer particularly charged to represent the State on the hearing of all claims for canal damages. It has been suggested that the interests of the State, as well as the claimants, would be advanced by relieving the Canal Board of this portion of its duties, and giving the decision of all claims under canal contracts to a Commission, with adequate powers to protect the interests of the State. I present the suggestion to your consideration.

A communication will be presented to you, as I am informed, by the Canal Appraisers, showing the awards made by their Board. A large amount is yet due for awards made more than a year since, as well as for those more recently made. An appropriation will be necessary to meet these awards. The communication of the Appraisers will suggest some alterations in the powers and duties of their Board, which will receive your careful consideration.

Much excitement has prevailed during the past year among the inhabitants of Richmond county, with respect to the location of the Quarantine buildings. For some time past the Hospital has been crowded with patients, suffering under malignant diseases; and during the last summer the yellow fever extended its ravages among the surrounding population. The grand jury of the county has presented the establishment as a nuisance, and has found bills of indictment against the officers of the State who have it in charge. A committee appointed by the last Legislature has been recently engaged

in the investigation of the propriety and feasibility of selecting some other site for these buildings. I am not apprised of the facts which they have elicited, nor of the conclusion to which they have arrived. Their report will be laid before you, and will demand all the consideration due to the health and comfort of the citizens, and to the important commercial interests so vitally concerned in the proper location of this establishment.

The constant increase of the commerce of the port of New York has given rise to an impression that the emoluments of the health officer of that port, whose compensation is derived from fees dependent upon the number of arrivals, are far beyond the amount necessary to secure the most eminent services of the medical profession. An officer charged with the important duties of that situation, should be liberally rewarded, but if the generally supposed compensation of this officer be not greatly overrated, the amount of his emoluments is excessive. If a reduction be proper, it may be made to take effect from the expiration of the term of office of the present incumbent.

Long previous to the passage of the laws of 1847, the necessity was felt of reorganizing our system of legislation with respect to emigrants, and of placing the subject of emigration on a basis better suited to existing and prospective exigencies. The great migratory movements of the human race, which has gone forward, under one form or another, from a very early period of history, equalising population, sowing along its path seeds of future strength and dominion, opening new fields for the arts and sciences, for religion and morals, founding new empires for freedom, and which in our days has had its chief direction from Europe to this country, had, of late years, assumed a magnitude which made it a subject of primary importance in the State where its effect is first and most felt. Wasted by cruel hardships on his voyage, the emigrant was the prey of systematic frauds and extortion, even before his foot touched the shore of his long looked for land of promise and of refuge. Friendless and destitute, with few about him, except those whose interest it was to wrong him; having neither the means nor the knowledge where to bestow his energies beneficially to himself, or to his new country, a short and ineffectual struggle against his lot, made him the inmate of an alms house, and the companion of paupers. This condition of things it was felt had existed too long, and if continued, would be a reproach to the civilization of our age, and to the humane spirit of our institutions, as well as a lasting injury to our State, which owes to emigration much of its prosperity and power. It became evident, then, that the State must no longer rely upon the efforts of county authorities, or of benevolent associations, but should itself assume the charge of a subject, in every respect so important, and that the immense annual emigration from Europe should be committed to a distinct department organised on a scale commensurate, not only with existing, but future necessities, and in such a wise policy as would render the emigration as beneficial as possible, both to the emigrant and to the community of which he comes to form a part.

During the session of 1847, a series of laws were passed, organizing, on a comprehensive and liberal basis, a board of Commissioners in the city of New York, with extensive powers, and making such provisions as appeared most conducive to the benevolent purposes in view. In the midst of the preliminary arrangements of this board, an emigration unprecedented not merely in numbers, but in destitution and disease, was poured in upon it, and added to the embarrassments inseparable from the organization of a system so extensive and so complicated. But it was the good fortune of the State, and of the emigrant, to find in the integrity and devotion of the gentlemen entrusted with the arduous and responsible duties of Commissioners, resources adequate to the emergency. The beneficial results already obtained, furnish evidence of the wisdom and efficiency of the system. It is stated that since the passage of the laws alluded to, upwards of three hundred thousand emigrants have arrived at the port of New-York, not one of whom has become a charge to any city or county in the State.

For further details of interest and value, your attention is directed to the annual report of the Commissioners to be rendered according to law, to the Legislature. In the nature of things, experience, and the practical working of the system must disclose further improvements, which, doubtless, the Board of Commissioners will suggest, and which will receive full consideration at your hands.

The 7th section of article 8th of the Constitution, makes the stockholders in every corporation, and joint stock association for banking purposes issuing bank notes or any kind of paper credits, to circulate as money, after the first day of January next, individually responsible to the amount of their respective shares of stock, for all the debts and liabilities of every kind, contracted by the corporation or association after that day. In some of these institutions the State is a stockholder ; in most of them, more or less of the stock belongs to infants, or is held by charitable institutions, or by trustees, and others acting in a fiduciary capacity ; while large amounts belong to persons residing out of the State, and beyond the jurisdiction of our courts. I suppose this provision of the constitution to contemplate only an ultimate responsibility for deficiencies, after the exhaustion of the assets of the institution ; and that it has left to the Legislature to declare the manner in which that responsibility shall be enforced, and in which contribution shall be made between the several associates. The near approach of the time when it will become operative, presents the necessity of considering this subject during this session of the Legislature.

The Code of Procedure adopted by the last Legislature, went into operation on the 1st of July last. It was not expected that a system, working so radical a change of long established rules, could be enacted without the necessity of numerous subsequent alterations, which time and experience would inevitably indicate. Many modifications will doubtless be brought to your notice, and I respectfully commend them to your serious consideration, in the hope that the defects inevitable in the commencement of a new system, of such

comprehensive extent, however numerous, may not jeopard the many improvements which this Code has introduced.

The present operations of the Judicial System seems inadequate to the speedy administration of justice. In the Court of Appeals the business is accumulating; so also in the several districts of the Supreme Court; although probably the largest accumulation is in the first district where the number of causes upon the calendars of the Supreme, as well as of the local courts in the city of New York, is increasing beyond the ability of the courts to dispose of them. I do not wish to infer that the difficulties thus far encountered, are necessarily inherent in the present system, but would rather entertain the hope that they may be found incidental to the change from an established to a new system, and the nearly simultaneous adoption of an entirely new Code of Practice in the courts, and that a remedy may be found within the reach of ordinary legislation, without resort to an amendment of the Constitution.

It has been suggested that relief might be obtained in the First District by an increase of the Judicial force, under the 4th section of article 6 of the Constitution; but the census of 1845, does not show such proportion between the population of the city of New-York and that of the rest of the State, as will maintain the conformity required in case of an increase of the number of Justices of the Supreme Court. I do not doubt that an addition to the number of the judges of the local courts in that city, will greatly contribute to the despatch of business, and will relieve much of the pressure upon the Supreme Court. I would also suggest an amendment of the judiciary act, whereby the business of the courts shall be so distributed as to leave to the circuits the mere trial of issues of fact.

The establishment of tribunals of conciliation, is a provision within the contemplation of the Constitution. Courts of this nature, although unknown among us, have been long in operation in other countries, and are represented to have been productive of great benefits by the prevention of litigation. The power of such tribunals being simply advisory, except so far as parties may voluntarily agree to abide their decision, can scarcely fail to produce an influence over a reasoning and moral people, in preventing lawsuits, sufficient to commend their establishment as a part of the system which the Constitution has contemplated, before we indulge in a sweeping condemnation of that system, or commence the work of amending the Constitution. In this view, I bring the subject to your consideration.

I make these suggestions with diffidence, as the subject has engaged able minds, but hitherto without effecting the desired relief. They present themselves to me as feasible modifications of the present system, short of an amendment of the Constitution, which I am unwilling to recommend.

During the past year, the war in which our country had been so unhappily involved with the neighboring Republic of Mexico, has been brought to an end. The conduct of that war reflects the highest possible credit upon the officers and men who have achieved a series of victories unparalleled and uninterrupted from the first brilliant success of our arms on the banks of the Rio Grande, down to the crown-

ing act of the war, the capture of the capital of Mexico. The gratitude of the American people has been most cheerfully accorded to the officers and men of those gallant armies, who, in spite of jealousies at home, thwarting and embarrassing their action, have added lustre to the American name. Nor are the services of the navy forgotten by hearts grateful for deeds of valor.

After the commencement of this war, but one feeling animated the whole country. The consideration of its origin was for the time suspended, by the fact of its existence; and among the most ardent of those engaged in the actual conflict of arms; as also among the most active supporters at home, of the vigorous prosecution of the war, were men who thought that war not only unwise and impolitic, but neither just nor necessary. They had had no agency in its commencement, but while hostilities were raging, they cheerfully gave their best energies to their country, reserving their opinion as to the causes which had induced the war, until the restoration of peace should furnish occasion to review the conduct of those who had been charged with the administration of the government.

If the valor and the prowess of our people were established in the field, their philanthropy and justice have been vindicated by their condemnation of the measures and the policy which had broken the silken cords of peace, and involved two Christian nations in the horrors of war.

Among the consequences of the late war with Mexico, has been the acquisition by the government of the United States, of a large extent of new territory. I am sustained by the decision of the highest judicial tribunal in the Union, in the opinion, that while the relations of the inhabitants of the newly acquired territory, with their former government are dissolved, and new relations established between them and the government of the United States, to whom their allegiance is now transferred, yet, that the laws which regulated the intercourse and general conduct of individuals within that territory at the time of the transfer, remain in force, until altered by the newly created power. Among the laws of Mexico in force, within this territory at the time of its acquisition, was one for ever abolishing slavery. The change of sovereignty over the territory, has not affected the validity or the force of this law, which, according to the established principles of international law, and the decisions of our own courts, remains in force and is operative at the present day, to the exclusion of Slavery from that territory. An effort however is being made to abrogate or annul that law, if not by its actual repeal through a direct legislative enactment, at least by indirect means, the effect, if not the object of which will be to permit the introduction of slaves within the territory.

However we may deprecate the necessity of discussing a question of a nature to excite sectional prejudices or fears, we may no longer avoid the consideration of one which is now of present, practical and paramount importance.

The State of New-York early manifested her attachment to the principles of universal Freedom and her repugnance to the institution

of human slavery. Holding that the Constitution of the United States at the time of its adoption, found slavery to exist within and by virtue of the laws of the several States, and therefore recognized the fact of its existence as a State institution, without giving to it, in any degree, a national or constitutional character or existence, but left it entirely dependent for its continuance and its regulation, upon the legislation of the several States, our State, half a century since, commenced a course of legislation for the gradual, but certain extinction of slavery within her borders. As a party to the federal compact, she has ever adhered, strictly and literally, to the compromises of the constitution, and has not sought to interfere with the domestic institution, or to disturb the internal policy, of any of the other parties to the compact; but has left each to exercise, in its own way, the same power under which she has proclaimed freedom to all men within her limits. This course she will continue faithfully to pursue, and while she will not intermit the expression of her attachment to the principles of universal freedom, and of her abhorrence of human bondage, she will abstain from all interference with the domestic institutions of other States, beyond that moral influence which must attend the force of her example, and the expression of her deep-seated convictions.

The "compromises of the constitution," as they are familiarly termed, do not of right extend to territory beyond the limits of the original thirteen States. The privileges which they concede may be granted but cannot be claimed for any newly acquired territory. The question now presented, is not one of interference with an existing institution, for the soil to which it refers is free. By pre-existing laws, no slavery exists there, nor can it exist there, without either the express or the tacit assent of the old States. It is then a question of the introduction of slavery into territory from which it is now excluded, and the consequent political representation of slaves in the Federal Congress, whenever the new territory shall be organised into State Governments, and admitted as such into the confederacy.

If there be any one subject upon which the people of the State of New-York approach near to unanimity of sentiment, it is in the fixed determination to resist the extension of slavery over territory now free. With them it involves a great moral principle, and overrides all questions of temporary or of political expediency. None venture to dissent; and in the mere difference of degree in which the sentiment receives utterance, it has proven powerful even to the breaking down of the strong barrier of party organization. This sentiment is not of recent origin with our people. It was this sentiment which, fifty years ago, prompted the abolishment of slavery in this State. It was this nearly unanimous sentiment of the people which was reflected, and received utterance in the voice of our State Legislature, at the period of the agitation of the question, on the admission of Missouri into the Union. Slavery not only existed at that time within the limits of Missouri, but was legalized within the whole of the territory acquired by the United States under the treaty with France. The people of our State were induced to yield their assent to a comprom-



ise then made, whereby a State permitting slavery was admitted into the Union, formed out of territory not embraced within the compromises of the Constitution, by the consideration that slavery and involuntary servitude should be forever excluded from the remaining portion of the territory within which slavery was theretofore authorized. They yielded the political advantage of slave representation, by a portion of the territory, for the moral triumph of establishing freedom throughout the remainder.

They are now asked to become parties to the extension of slavery over territory already free. Their answer may be read in their past history. I believe that it is almost, if not entirely, the unanimous decision of the people of this State, that under no circumstances will their assent be given to any action whereby the institution of slavery shall be introduced into any part of the territory of the United States, from which it is now excluded.

During the past year, the people of the United States have exhibited another instance of the peacefulness and order with which they select the Magistrates to whom they confide, for a time, the powers of Government. The universal acquiescence in the decision of the majority, indicated immediately and unhesitatingly after the strife of the contest, affords the most encouraging assurance that the perpetuity of our institutions is not jeopardized by differences of opinion with respect to the individuals to be intrusted with power.

The recent elections throughout the Union have had the effect to restore to the People, through their more immediate representatives, much of the power which had been gradually tending toward the Executive. They have declared that the will of the People, on questions affecting their interests and welfare, as expressed through their representatives, ought to be respected and carried out by the Executive. They have proved that the American People value Peace, and the advancement of humanity, as the true ends and objects for which a Republican Government was founded. They have given expression to the sentiment, that the constitutional powers of our Government are beneficent in their design, and they have administered a rebuke to that creed which holds Government to a state of inaction on the subject of Education, Industry, Internal Improvements, and other kindred measures, looking to the happiness of man, the advancement of Freedom, and the melioration of the Social and Political System.

I have thus endeavored to comply with the requirements of the Constitution, which makes it my duty to communicate to the Legislature the condition of the State, and recommend such matters as I may judge expedient. It has been my aim to state facts, and to make suggestions, without more of detail, or of argument, than seemed necessary to a clear statement of the subject. I have entered upon this responsible task with much diffidence; relying upon the indulgence of a generous constituency, ever ready to excuse errors of the understanding, if accompanied by sincerity of purpose, and purity of motive.

I now submit these matters to your enlightened consideration, with the assurance of my most cordial co-operation in all your efforts to advance the varied interests of our great State—confident that your deliberations and actions will be earnestly directed to such ends as will promote the public interests, and advance the cause of Religion, Learning, Morality and Happiness. I invoke upon those deliberations and actions, the blessings, and the guidance of that Almighty Being who rules the Universe—in whose hands the wisest of men are but humble agents of His will.

HAMILTON FISH.

ALBANY, January 2, 1849.

On motion of Mr. W. S. Smith,

*Resolved*, That the message be committed to a committee of the whole House, and that ten times the usual number be printed for the use of the members of this House, and three hundred and fifty for the use of his Excellency the Governor.

On motion of Mr. Wells,

*Resolved*, That so much of the Governor's message as relates to slavery and the slave trade, within the territories under the jurisdiction of the United States, be referred to a select committee, whose duty it shall be to report thereon without unnecessary delay.

A communication from the Secretary of State, transmitting the annual report of the Superintendent of Common schools, was received and read in the words following, to wit :

STATE OF NEW-YORK,  
 SECRETARY'S OFFICE,  
 Department of Common Schools, }  
*Albany, January 2, 1849.*

TO THE SPEAKER OF THE ASSEMBLY :

SIR,

In compliance with the law of 1847, chapter 350, I herewith transmit to the Legislature the annual report of the Superintendent of Common schools, and the documents and abstracts accompanying the same.

Very respectfully,

Your obedient servant,

CHRISTOPHER MORGAN,  
*Superintendent of Common Schools.*

(See Doc. No. 20.)

*Ordered*, That the said report be referred to the committee on colleges, academies and common schools.

On motion of Mr. Pruyn,

*Resolved*, That five times the usual number of the report of the Superintendent of Common Schools be printed for the use of the Legislature, two hundred and fifty copies for the Secretary of State, and one copy for each of the districts and town superintendents of the State.

Mr. B. Thompson offered for the consideration of the House, solution in the words following, to wit :

*Resolved*, That five times the usual number of copies of the constitution, be printed for the use of the members and officers of Legislature, together with the index thereto.

Mr. Taylor moved to amend by striking out the words "five times the usual number," and inserting "twice the usual number," in place thereof.

The question being first upon the largest number,

Mr. Speaker put the question whether the House would agree to the original resolution, and it was determined in the affirmative.

Mr. John L. Marsh, member of Assembly elect from the county of Jefferson, appeared before the desk of the Speaker, who administered to him the constitutional oath of office, whereupon he took his seat as a member of this House.

On motion of Mr. White,

*Resolved*, That the Clerk furnish each of the members of this House with such newspapers as they may respectively direct, not exceeding the cost of two daily papers, and that the expense thereof, including postage, be paid out of the contingent fund of the House.

On motion of Mr. Rockwell,

*Resolved*, That the Clerk supply the members and officers of the House, with a copy of the proceedings and debates of the Constitutional Convention, and that the expense thereof be paid from the contingent fund of the House.

Mr. David Van Auken, member of Assembly elect from the second district in the county of Albany, appeared before the desk of the Speaker, who administered to him the constitutional oath of office, whereupon he took his seat as a member of this House.

On motion of Mr. Stryker,

*Resolved*, That the Clerk furnish each member and officer of the House, including reporters and messengers, knives of a quality good as those furnished in former years, and defray the expense of the contingent fund of the House.

On motion of Mr. Mersereau,

*Resolved*, That a committee of three be appointed by the Speaker to prepare 127 ballots, with numbers from one to 127 inclusive, and place them in the box used to receive ballots, mixing them well together and when the ballots have been prepared, the Clerk shall proceed to call the list of members in alphabetical order, and as each name is called, a messenger, to be designated by the Speaker, shall take from the box one number, to represent the seat that such member is entitled to upon the floor of this House, and proclaim the same.

*Ordered*, That Mr. Mersereau, Mr. Taylor, and Mr. Hammon constitute such committee.

Mr. Mersereau, from the committee appointed to prepare balls for the purpose of drawing seats, reported that the committee discharged that duty.

Thereupon, a messenger was appointed in accordance with the resolution, who drew the seats for the members, as follows :

Mr. Benajah Allen,.....	104	Mr. Leavenworth,.....	109
Mr. Henry J. Allen,.....	121	Mr. McKinney,.....	88
Mr. Averill,.....	84	Mr. McLean,.....	45
Mr. Bagley,.....	7	Mr. McNeal,.....	83
Mr. Bailey,.....	12	Mr. Maine,.....	81
Mr. Barber,.....	47	Mr. Markle,.....	19
Mr. Beekman,.....	89	Mr. Marsh,.....	76
Mr. Bellinger,.....	71	Mr. Mersereau,.....	103
Mr. Boardman,.....	60	Mr. Miller,.....	75
Mr. Bogart,.....	80	Mr. Moffatt,.....	28
Mr. Boughton,.....	106	Mr. Mowry,.....	44
Mr. Bowen,.....	24	Mr. Nash,.....	2
Mr. Boyce,.....	49	Mr. Noble,.....	127
Mr. Brinkerhoff,.....	63	Mr. Pardee,.....	32
Mr. Brewer,.....	36	Mr. Pease,.....	21
Mr. Budd,.....	105	Mr. Perley,.....	98
Mr. Ball,.....	50	Mr. Picket,.....	26
Mr. Button,.....	16	Mr. Pearce,.....	31
Mr. Bush,.....	113	Mr. Porter,.....	6
Mr. L. Butts,.....	17	Mr. Prescott,.....	25
Mr. W. Butts,.....	85	Mr. Pruyn,.....	27
Mr. Buxton,.....	78	Mr. Quackenboss,.....	101
Mr. Campbell,.....	96	Mr. Raynor,.....	57
Mr. Carver,.....	119	Mr. Richards,.....	125
Mr. Clark,.....	42	Mr. Roblee,.....	65
Mr. Cornell,.....	67	Mr. Alex. Robertson,....	35
Mr. Crispell,.....	120	Mr. W. H. Robertson,....	102
Mr. Crittenden,.....	111	Mr. Rockwell,.....	4
Mr. Cross,.....	53	Mr. Rose,.....	61
Mr. Culbert,.....	99	Mr. Rounseville,.....	54
Mr. Curtis,.....	37	Mr. St. John,.....	74
Mr. Danforth,.....	110	Mr. Sexton,.....	70
Mr. Disosway,.....	43	Mr. Skeel,.....	12
Mr. Dodge,.....	3	Mr. Slocum,.....	10
Mr. Elderkin,.....	50	Mr. Smalley,.....	1
Mr. Elwood,.....	126	Mr. L. Ward Smith,....	23
Mr. Fish,.....	93	Mr. Wessel S. Smith,....	117
Mr. Fiske,.....	48	Mr. Stevens,.....	73
Mr. Fitzhugh,.....	87	Mr. Stevenson,.....	18
Mr. Folger,.....	33	Mr. Stewart,.....	46
Mr. Fox,.....	11	Mr. Strever,.....	13
Mr. Gates,.....	69	Mr. Stryker,.....	8
Mr. A. Gilbert,.....	39	Mr. Sweet,.....	116
Mr. L. M. Gilbert,.....	9	Mr. Taylor,.....	108
Mr. Glass,.....	79	Mr. Terry,.....	90
Mr. Goddard,.....	51	Mr. B. Thompson,.....	64
Mr. Goff,.....	30	Mr. J. E. Thompson,....	22
Mr. Gove,.....	122	Mr. A. Tuttle,.....	66
Mr. Graham,.....	55	Mr. H. C. Tuthill,.....	100
Mr. Green,.....	123	Mr. Van Auken,.....	114

Mr. Guernsey,.....	82	Mr. Van Orden, .....	
Mr. Hale,.....	59	Mr. Varnum, .....	
Mr. Hall,.....	86	Mr. Vincent,.....	
Mr. Hammond, .....	124	Mr. Ward,.....	
Mr. Harmon,.....	29	Mr. Wells, .....	
Mr. Hart,.....	41	Mr. Wheaton, .....	
Mr. Hoyt, .....	56	Mr. White, .....	
Mr. Hudson, .....	115	Mr. Whittaker, .....	
Mr. A. Johnson, .....	14	Mr. Willard, .....	
Mr. M. Johnson, .....	62	Mr. Wilcox, .....	
Mr. Kelsey,.....	97	Mr. Wing,.....	
Mr. Kennedy, .....	40	Mr. Wisewell,.....	
Mr. Kidd,.....	107		

The Clerk having proceeded as far as the name of Mr. Wisewell calling the names of members, and announcing the numbers drawn for them respectively, it was found that duplicates of number "five" had been placed in the box, when

Mr. Bowen moved that a new set of numbers be prepared, and a new ballot be now taken.

Mr. Brewer moved to lay the motion of Mr. Bowen upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Brewer, and it was determined in the affirmative.

Mr. Rose moved that the ballot be completed by allowing the members drawing the duplicate numbers, to draw for the seats remain when the names of the other members had been called.

Mr. McKinney moved to lay the said motion of Mr. Rose upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. McKinney, and it was determined in the affirmative.

Mr. Cornell moved that the resolution heretofore offered by Mr. Mersereau, and adopted by the House, relative to the drawing of seats, be now reconsidered.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

The question then recurring upon said resolution,

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. Fiske moved that the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the negative.

Mr. Cornell then offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the members of this House be entitled to retain the seats which they have drawn on the ballot, and that the member drawing the second number fifty, and the two last members on the list

draw for the three seats which shall be found by the Clerk, on comparison of the list of seats drawn, to remain unallotted.

Mr. McKinney offered as a substitute for the resolution of Mr. Cornell, the following, to wit:

*Resolved*, That the Clerk prepare one hundred and twenty-seven ballots, with numbers from one to one hundred and twenty-seven, inclusive, and place them in a box to receive ballots, mixing them well together, and when thus prepared the Clerk shall call over the list of members in alphabetical order, and the members shall each, as their names are called, proceed to the box and draw out a number, which number shall designate the seat to which such member is entitled.

Debate was had thereon; when

Mr. Noble called for the previous question.

Mr. Speaker put the question whether the House would agree to second the call for the previous question, and it was determined in the affirmative.

Mr. Speaker then put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Whereupon,

Mr. Speaker put the main question, it being whether the House would agree to the original resolution as offered by Mr. Cornell, and it was determined in the affirmative.

{ AYES 62 }  
{ NAYS 59 }

The ayes and nays being required by ten members,

Those who voted in the affirmative are,

Mr. Benajah Allen	Mr. L. M. Gilbert	Mr. W. H. Robertson
Mr. Averill	Mr. Glass	Mr. Rockwell
Mr. Bagley	Mr. Goff	Mr. Rose
Mr. Barber	Mr. Hale	Mr. St. John
Mr. Beekman	Mr. Harmon	Mr. Sexton
Mr. Boardman	Mr. Hart	Mr. Skeel
Mr. Brinkerhoff	Mr. Alonzo Johnson	Mr. Slocum
Mr. Brewer	Mr. Morgan Johnson	Mr. Smalley
Mr. Budd	Mr. Kennedy	Mr. Stewart
Mr. Button	Mr. Markle	Mr. Strever
Mr. L. Butts	Mr. Mersereau	Mr. Stryker
Mr. Buxton	Mr. Miller	Mr. Terry
Mr. Campbell	Mr. Moffatt	Mr. B. Thompson
Mr. Clark	Mr. Noble	Mr. Albert Tuttle
Mr. Cornell	Mr. Pardee	Mr. Hector C. Tuthill
Mr. Curtis	Mr. Peirce	Mr. Van Orden
Mr. Disosway	Mr. Pruyn	Mr. Ward
Mr. Elwood	Mr. Quackenboss	Mr. Whittaker
Mr. Fish	Mr. Raynor	Mr. Willard
Mr. Fox	Mr. Roblee	Mr. Wilcox
Mr. Albert Gilbert	Mr. Alex. Robertson	Mr. Wisewell

Those who voted in the negative are,

Mr. H. J. Allen	Mr. Graham	Mr. Porter
Mr. Bailey	Mr. Green	Mr. Prescott
Mr. Bellinger	Mr. Guernsey	Mr. Richards
Mr. Bogart	Mr. Hall	Mr. Rounseville
Mr. Boughton	Mr. Hammond	Mr. L. Ward Smith
Mr. Bowen	Mr. Hoyt	Mr. Wessel S. Smith
Mr. Boyce	Mr. Hudson	Mr. Speaker
Mr. Bush	Mr. Kelsey	Mr. Stevens
Mr. Wesley Butts	Mr. Kidd	Mr. Stevenson
Mr. Carver	Mr. McKinney	Mr. Taylor
Mr. Crispell	Mr. McLean	Mr. J. E. Thompson
Mr. Crittenden	Mr. McNeal	Mr. Van Auken
Mr. Cross	Mr. Maine	Mr. Varnum
Mr. Culbert	Mr. Marsh	Mr. Wells
Mr. Danforth	Mr. Mowry	Mr. Wheaton
Mr. Elderkin	Mr. Nash	Mr. White
Mr. Fiske	Mr. Pease	Mr. Wing
Mr. Fitzhugh	Mr. Perley	Mr. Woodruff
Mr. Goddard	Mr. Picket	Mr. Young
Mr. Gove		

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Mr. Cornell moved that the House do now reconsider its vote upon the said resolution.

Mr. A. Robertson moved that the House adjourn until eleven o'clock to-morrow morning.

Mr. Noble moved so to amend the motion of Mr. Robertson, that the House take a recess until four o'clock this afternoon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Noble, and it was determined in the affirmative.

And then, at two o'clock and thirty minutes,  
The House took a recess until four o'clock.

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#### FOUR O'CLOCK, P. M.,

The House again met,

And proceeded to consider the motion of Mr. Cornell, that the House reconsider its vote upon the resolution offered by him this morning, in the words following, to wit :

*Resolved*, That the members of this House be entitled to retain the seats which they have drawn, on the ballot, and that the member drawing the second number "fifty," and the last members on the list, draw for the seats which shall be found by the Clerk on comparison of the lists of seats drawn, to remain unallotted.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

The question then recurring upon the passage of the resolution, Mr. Cornell, by unanimous consent, withdrew the same.

On motion of Mr. W. S. Smith,

*Resolved*, That Mr. Mersereau, Mr. Taylor and Mr. Hammond, be a select committee to prepare one hundred and twenty-seven ballots, with numbers from one to one hundred and twenty-seven inclusive, and place them in the box used to receive ballots, mixing them well together; and when the ballots have been well prepared, the Clerk shall proceed to call the list of members in alphabetical order, and as each name is called, a messenger to be designated by the Speaker, shall take from the box one number, to represent the seat that such member is entitled to upon the floor of this House, and proclaim the same.

On motion of Mr. L. Ward Smith,

*Resolved*, That when this House adjourn, it will adjourn till eleven o'clock to-morrow morning; and that hereafter the hour of meeting for the daily sessions of this House shall be eleven o'clock in the forenoon, till otherwise ordered.

Mr. Varnum offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the clerk purchase and furnish to each member a small map of the State of New-York, provided the same can be conveniently procured.

*Ordered*, That the said resolution be laid upon the table.

Mr. Wells gave notice of his intention to introduce bills authorising Alexander Fisher and Thomas Elliot, aliens, to hold real estate, and also a bill confirming the official acts of John H. Cameron, a justice of the peace of the town of Athol, Warren county.

Mr. Campbell gave notice that he would, at some future day, ask leave to introduce a bill to prohibit the manufacture of cut stone at the Mount Pleasant State Prison.

Mr. Rose gave notice that he would, at an early day, introduce a bill for the preservation of newspapers.

Mr. W. S. Smith gave notice that he would, at an early day, ask leave to bring in a bill to extend the time for the collection of taxes in the towns and cities of this State.

Mr. Pruyn gave notice that he would, at an early day, ask leave to bring in a bill to amend the act to incorporate the Firemen's Insurance Company of the city of Albany.

Mr. Mersereau, from the select committee, appointed to prepare ballots for the purpose of drawing seats, reported that the committee had discharged that duty.

Thereupon, a messenger was appointed in accordance with the resolution, who drew the seats for the members as follows:

Mr. Benajah Allen,.....	96	Mr. McKinney,.....	79
Mr. Henry J. Allen,.....	101	Mr. McLane, .....	73
Mr. Averill,.....	27	Mr. McNeal,.....	107
Mr. Bagley,.....	28	Mr. Maine, .....	114
Mr. Bailey,.....	92	Mr. Markle, .....	13
[ASSEMBLY JOURNAL.]		3	



Mr. Barber, .....	49	Mr. Marsh, .....	
Mr. Beckman, .....	42	Mr. Mersereau, .....	
Mr. Bellinger, .....	78	Mr. Miller, .....	
Mr. Boardman, .....	61	Mr. Moffatt, .....	
Mr. Bogart, .....	39	Mr. Mowry, .....	
Mr. Boughton, .....	109	Mr. Nash, .....	
Mr. Bowen, .....	85	Mr. Noble, .....	
Mr. Boyce, .....	91	Mr. Pardee, .....	
Mr. Brinkerhoff, .....	105	Mr. Pease, .....	
Mr. Brewer, .....	104	Mr. Perley, .....	
Mr. Budd, .....	47	Mr. Picket, .....	
Mr. Bull, .....	115	Mr. Pearce, .....	
Mr. Button, .....	102	Mr. Porter, .....	
Mr. Bush, .....	50	Mr. Prescott, .....	
Mr. L. Butts, .....	127	Mr. Pruyn, .....	
Mr. W. Butts, .....	111	Mr. Quackenboss, .....	
Mr. Buxton, .....	75	Mr. Raynor, .....	
Mr. Campbell, .....	5	Mr. Richards, .....	
Mr. Carver, .....	113	Mr. Roblee, .....	
Mr. Clark, .....	77	Mr. A. Robertson, .....	
Mr. Cornell, .....	55	Mr. W. H. Robertson, .....	
Mr. Crispell, .....	3	Mr. Rockwell, .....	
Mr. Crittenden, .....	80	Mr. Rose, .....	
Mr. Cross, .....	95	Mr. Rounseville, .....	
Mr. Culbert, .....	121	Mr. St. John, .....	
Mr. Curtis, .....	78	Mr. Sexton, .....	
Mr. Danforth, .....	63	Mr. Skeel, .....	
Mr. Disosway, .....	51	Mr. Slocum, .....	
Mr. Dodge, .....	54	Mr. Smalley, .....	
Mr. Elderkin, .....	117	Mr. L. Ward Smith, .....	
Mr. Ellwood, .....	56	Mr. Wessel S. Smith, .....	
Mr. Fish, .....	94	Mr. Stevens, .....	
Mr. Fiske, .....	71	Mr. Stevenson, .....	
Mr. Fitzhugh, .....	46	Mr. Stewart, .....	
Mr. Folger, .....	64	Mr. Strever, .....	
Mr. Fox, .....	108	Mr. Stryker, .....	
Mr. Gates, .....	60	Mr. Sweet, .....	
Mr. A. Gilbert, .....	30	Mr. Taylor, .....	
Mr. L. M. Gilbert, .....	9	Mr. Terry, .....	
Mr. Glass, .....	84	Mr. B. Thompson, .....	
Mr. Goddard, .....	24	Mr. J. E. Thompson, .....	
Mr. Goff, .....	99	Mr. A. Tuttle, .....	
Mr. Gove, .....	122	Mr. H. C. Tuthill, .....	
Mr. Graham, .....	10	Mr. Van Auken, .....	
Mr. Green, .....	43	Mr. Van Orden, .....	
Mr. Guernsey, .....	89	Mr. Varnum, .....	
Mr. Hale, .....	123	Mr. Vincent, .....	
Mr. Hall, .....	70	Mr. Ward, .....	
Mr. Hammond, .....	126	Mr. Wells, .....	
Mr. Harmon, .....	100	Mr. Wheaton, .....	

Mr. Hart, .....	118	Mr. White, .....	74
Mr. Hoyt, .....	26	Mr. Whittaker, .....	17
Mr. Hudson, .....	119	Mr. Willard, .....	59
Mr. A. Johnson, .....	19	Mr. Wilcox, .....	12
Mr. M. Johnson, .....	93	Mr. Wing, .....	29
Mr. Kelsey, .....	25	Mr. Wisewell, .....	4
Mr. Kennedy, .....	18	Mr. Woodruff, .....	36
Mr. Kidd, .....	1	Mr. Young, .....	67
Mr. Leavenworth, .....	20		

Mr. Robert B. Folger, member of Assembly elect from the eleventh district in the county of New-York, appeared in the Assembly Chamber before the desk of the Speaker, who administered to him the oath of office prescribed by the Constitution, whereupon he took his seat as a member of this House.

Mr. Willard gave notice that he would, at as early a day as possible, ask leave to introduce a bill to form a new town, to be composed of territory to be taken from the towns of Independence and Scio, in the county of Allegany.

And then, at five o'clock, p. m.,

On motion of Mr. Fiske,

The House adjourned.

### WEDNESDAY, JANUARY 3, 1849.

The house met pursuant to adjournment.

Prayer by the Rev. Dr. Sprague.

The minutes of yesterday were read and approved.

Mr. Pruyn presented the petition of the Firemen's Insurance Co. of the city of Albany, praying for an amendment of their charter, which was read, and referred to the committee on banks and insurance companies.

Mr. A. Johnson presented the petition of sundry inhabitants of the county of Chenango, praying for the passage of a law for the trial of issues of fact in suits commenced in county courts before the "code of procedure" took effect, which was read, and referred to the committee on the judiciary.

Mr. Wells presented the petition of Alexander Fish and Thomas Elliot, praying for a law to authorize them to hold and convey real estate, which was read, and referred to the committee on the petition of aliens.

Mr. Rose presented the petition of Isaac Satterly, praying for lands due the heirs of Henry Satterly, a soldier in the revolutionary war, which was read, and referred to the committee on claims.

Mr. Campbell presented the petition of Jane Lavinia Vreeland Burger, praying for a law authorizing and directing the surrogate of

the county of Richmond to admit to probate and record the will of her late husband, Joseph P. Burger, deceased, which was read, and referred to the committee on the judiciary.

Mr. Fish presented the petition of sundry inhabitants of the county of Fulton, praying for a law to authorize the Johnstown and Fultonville Plank Road Co., to bridge the Mohawk river, which was read, and referred to the committee on roads and bridges.

Mr. Fish presented the petition of John C. Van Alstine, praying for the payment of interest on canal damages, which was read, and referred to the committee on grievances.

Mr. Pruyn presented the petition of Mary McNulty and Jane Coughlin, aliens, praying for a law to authorize them to hold real estate, which was read, and referred to the committee on the petitions of aliens.

Mr. Pruyn presented the petition of sundry inhabitants of Albany, praying the Legislature to pass resolutions for the amendment of the Constitution of the United States, so that the President and Senators in Congress shall be voted for directly by the people, and that slave representation be restricted, which was read:

On motion of Mr. Pruyn,

*Ordered*, That the said petition be laid upon the table.

Mr. Hale gave notice that he would at an early day ask leave to bring in a bill to repeal an act passed May 1, 1837, repealing the act passed April 27, 1838, entitled "An act to subject certain debts owing to non-residents to taxation."

Mr. L. Ward Smith gave notice that he would at an early day ask leave to introduce a bill to amend and consolidate the charter of the city of Rochester.

Mr. Boughton gave notice of his intention at an early day to ask leave to bring in a bill to authorize the trustees of the village of Williamsburgh to borrow money for the payment of certain debts. Also of his intention to bring in a bill to amend the charter of the village of Williamsburgh, Kings co.

Mr. Gove gave notice that he would at some future day ask leave to introduce a bill in relation to the superintendents of the poor for the county of Franklin.

Mr. B. Thompson gave notice that he would at some future time introduce a bill to amend the act to incorporate companies to construct plank roads, and of companies to construct turnpike roads. Also in relation to chattel mortgages in Erie county.

Mr. Rockwell gave notice that at some future day he would bring in a bill authorizing the purchase of the toll bridge, at Jessup's, Little Falls, on the Hudson River, between the counties of Saratoga and Warren, and that the same be made a public highway.

Mr. L. Ward Smith gave notice that he would at some early day ask leave to introduce a bill to regulate the hours of labor.

Mr. Brinkerhoff gave notice that he would at an early day ask leave to introduce a bill for a savings bank at the city of Auburn.

Mr. Brewer gave notice that he would at an early day ask leave to introduce a bill to amend the act entitled "An act to secure the

faithful expenditure of moneys raised and collected for certain charitable institutions in the first Senate district," passed May 13, 1840.

Mr. Campbell gave notice that he would at an early day ask leave to introduce a bill to amend an act entitled "An act in relation to justices and police courts in the city of New-York," passed March 30, 1848, and "An act amendatory to the same," passed April 12, 1848.

Mr. Brinkerhoff gave notice that he would at an early day ask leave to introduce a bill authorizing the construction of a railroad from Auburn to Binghamton.

Mr. Bowen gave notice of his intention at an early day to introduce a bill designating the holidays which shall be observed in the payment of notes and other commercial obligations.

Mr. Varnum gave notice of his intention to ask leave at an early day to introduce a bill for incorporating a company for constructing a railroad across the isthmus of Panama.

Mr. Willard gave notice of his intention to introduce at an early day a bill to alter and amend the militia law.

Mr. Van Orden gave notice of his intention to introduce a bill to make the health office at the New-York quarantine a salaried office.

Mr. Van Orden gave notice of his intention to introduce a bill for the relief of insolvent debtors.

Mr. Beekman gave notice that he would at an early day ask leave to bring in a bill for the protection of apprentices and of operatives in manufactories.

Mr. Bush gave notice of his intention at some early day to introduce a bill to annex part of the town of Rockland to the town of Liberty, in the county of Sullivan.

Mr. Rose offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) that our Senators and Representatives in Congress be, and are hereby requested to oppose the passage of any law for the establishment of territorial governments over the countries acquired by the late treaty with Mexico, or for the admission of such territories as states of this Union, unless such laws contain a fundamental provision, prohibiting the existence of slavery or involuntary servitude, except as a punishment for crime.

On motion of Mr. Rose,

*Ordered*, That the said resolution be committed to the committee of the whole House.

Mr. Speaker announced as the select committee to whom was referred, by the resolution offered yesterday by Mr. Wells, so much of the annual message of the Governor as relates to slavery in the United States, Mr. Wells, Mr. Bowen, Mr. Sweet, Mr. Elderkin, and Mr. B. Thompson.

On motion of Mr. Bowen,

*Resolved*, That the petition of James H. Hooker be taken from the files and referred to the committee on claims.

On motion of Mr. Bowen,

*Resolved*, That the petition of the stockholders of the Cayuga Bridge Co. be taken from the files of the last session and referred to the committee on roads and bridges.

On motion of Mr. Fish,

*Resolved*, That the petition and papers of John E. Van Eps, relating to a claim against the state for damages on account of construction of Erie canal, be taken from the files of the House of last session, and be referred to the committee on grievances.

On motion of Mr. Pruyn,

*Resolved*, That the petition and papers relating to the claim of John Randel junior, to be reimbursed monies advanced by him for the state, with interest, be taken from the files, and referred to the committee on public lands.

The House then resolved itself into a committee of the whole, on the annual message of the Governor, and the resolution heretofore offered by Mr. Rose relative to the subject of slavery in territories of the United States, and after some time spent thereon, Mr. Noble from said committee, reported progress, and asked for and obtained leave to sit again.

In pursuance of previous notice, and by unanimous consent, Mr. Pruyn asked for and obtained leave to introduce a bill entitled "An act in relation to the Firemen's Insurance Company of the city of Albany," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Pruyn,

*Ordered*, That the said bill be committed to a committee of the whole.

In pursuance of previous notice and by unanimous consent, Mr. Wells asked for and obtained leave to introduce a bill entitled "An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

And then at twelve o'clock, m.,

On motion of Mr. Richards,

The House adjourned.

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## THURSDAY, JANUARY 4, 1849.

The House met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Edgar Vincent, member of Assembly elect from the first Assembly district in the county of Dutchess, appeared in the Assembly Chamber, and the oath of office prescribed by the Constitution, having been administered to him by the Speaker, took his seat as a member of this House.

Mr. Ellwood presented the petition of Edmond Cheese, to confirm the title in him of certain real estate in the county of Oneida, which was read, and referred to the committee on the petitions of aliens.

Mr. Fox presented the petition of supervisors of the county of Oswego, to regulate county clerks' fees, which was read, and referred to the committee on the judiciary.

Mr. L. Ward Smith presented the petition of Elisha D. Moses, praying for interest on draft for canal damages, which was read, and referred to the committee on canals.

Mr. Beekman presented the memorial of the N. Y. Historical Society, praying for an appropriation of money from the state, which was read, and referred to the committee on colleges, academies and common schools.

Mr. Johnson presented the petition of certain citizens of Newfane, to confirm in the trustees of the Baptist church and their successors in office the title to certain lands, which was read, and referred to the committee on charitable and religious societies.

Mr. Culbert presented the petition of the supervisors of the county of Fulton, praying for an act legalizing the assessment of taxes on non-resident lands for highways in the town of Bleecker, which was read, and referred to the committee on internal affairs of towns and counties.

Mr. Gates presented the petition of sundry mechanics of the county of Jefferson, praying for a law regulating the hours of labor, which was read.

On motion of Mr. L. Ward Smith,

*Ordered*, that the said petition be referred to a select committee to be appointed on that subject.

Mr. Bailey presented the petition of the supervisors of the county of Delaware, praying for a law to provide for the election of an officer to discharge the duties of county judge and surrogate in certain cases, which was read, and referred to the committee on the judiciary.

Mr. Elderkin presented the petition of the trustees of the St. Lawrence Academy, praying for relief from payment of bond and mortgage to the state, which was read, and referred to the committee on ways and means.

Mr. Brinkerhoff presented the petition of 13 citizens of the county of Cayuga, to declare the public utility of a railroad from Auburn to Binghamton, which was read, and referred to the committee on railroads.

Mr. St. John presented the petition of Russell B. Burch, praying for the payment of the balance due him for his costs and expenses incurred in defending a certain suit (brought against him as town superintendent of common schools,) by the direction of the Superintendent of common schools, which was read, and referred to the committee on colleges, academies and common schools.

Mr. St. John presented the resolution of the board of supervisors of the county of Otsego, requesting the passage of a law directing the Clerks of the Senate and Assembly to publish the amount of

mileage allowed each member, the number of penknives and the amount of stationery furnished each member, and the expense thereof, the number of days each member was absent from his seat during the sessions, and the reasons assigned therefor, which was read, and referred to the committee on grievances.

Mr. Carver presented the petition of the superintendents of the poor of the county of Clinton, to legalize their acts, which was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Fish presented four several petitions from sundry citizens of several towns in the counties of Fulton and Montgomery, praying for an act to enable the Fultonville and Johnstown Plank Road Company to bridge the Mohawk river, which were read, and referred to the committee on roads and bridges.

Mr. Rockwell presented the petition of W. H. Wells and 257 other inhabitants of the counties of Warren and Saratoga, praying for an act to purchase the toll bridge at Jessup's Little Falls, between said counties, which was read, and referred to the committee on roads and bridges.

Mr. Maine presented the petition of Avery Z. Kingsley, praying for re-appraisal of canal damages caused by the construction of the Kingsley brook reservoir, which was read, and referred to the committee on claims.

Mr. Richards presented two several petitions of sundry inhabitants of the town of Sheldon, to annex a part of said town to the town of Orangeville, which were read, and referred to the committee on the erection and division of town and counties.

Mr. Nash presented the resolutions of the board of supervisors of the county of Chemung, praying for a law authorizing the supervisors of said county to loan four thousand dollars for the purpose of building a jail and keeper's residence, which was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Whittaker presented the petition of the board of supervisors of the county of Broome, praying the legislature to make a distinction between town and county poor in said county, which was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Maine presented the petition of sundry inhabitants of the counties of Madison, Cortland and Chenango, praying for a repeal of the charter of the Fourth Great Western Turnpike Company, which was read, and referred to the committee on roads and bridges.

Mr. Bagley presented the petition of Sylvanus B. Coburn, praying for the repeal of an act authorizing Vincent Le Ray to build a bridge over the Chaumont river, in the county of Jefferson, which was read, and referred to the committee on roads and bridges.

A communication from the Comptroller transmitting his annual report, was received and read in the words following, to wit :

Albany, January 4th, 1849. }  
 COMPTROLLER'S OFFICE. }

Hon. A. K. HADLEY,

*Speaker of the Assembly.*

SIR :—I have the honor to transmit my annual report to the Legislature, dated Dec. 30, 1848, as required by law.

I have the honor to be,

Very respectfully, your ob't. serv't.,

MILLARD FILLMORE,

*Comptroller.*

(See Doc. No. 5.)

On motion of Mr. W. S. Smith, and by unanimous consent,  
*Resolved*, That said report be referred to the committee on ways and means, and that fifteen times the usual number thereof be printed for the use of the Legislature, and three hundred copies for the Comptroller.

Mr. W. S. Smith, from the select committee, appointed to report a series of rules for the government of this House, reported in writing.

(See Doc. No. 4.)

On motion of Mr. W. S. Smith,

*Ordered*, That the said report be committed to a committee of the whole House.

In pursuance of previous notice, Mr. Brinkerhoff asked for and obtained leave to introduce a bill, entitled "An act to declare the public utility of a railroad from Auburn to Binghamton;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Rose asked for and obtained leave to introduce a bill, entitled "An act for the preservation of newspapers;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Gove asked for and obtained leave to introduce a bill, entitled "An act in relation to the superintendents of the poor of the county of Franklin;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Wells asked for and obtained leave to introduce a bill, entitled "An act to enable Alexander Fisher, an alien, to hold and convey real estate;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

In pursuance of previous notice, Mr. Wells asked for and obtained leave to introduce a bill, entitled "An act to enable Thomas Elliot to hold and convey real estate;" which was read the first time, and



by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

In pursuance of previous notice, Mr. W. S. Smith asked leave to bring in a bill, entitled "An act to extend for the collection of taxes;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Mr. Wells gave notice that he would at some early day, ask leave to bring in a bill amending and continuing the act entitled "to regulate the expenditure of the highway tax in parts of Hamilton and Warren counties," passed May 12, 1846.

Mr. Bailey gave notice that he would at some early day, ask leave to bring in a bill to provide for the election of a local office county of Delaware, to discharge the duties of county judge and surrogate in certain cases.

Mr. Danforth gave notice of his intention to introduce a bill authorizing justices of the peace to take judgment by confession.

Mr. Taylor gave notice that he would at an early day, ask leave to bring in a bill to erect, at the expense of the state, a monument over the remains of Lieut. Col. Baxter and other gallant soldiers now reposing in Greenwood Cemetery, who fell in the battle of Mexico.

On motion of Mr. Sexton,

*Resolved*, That the petition and papers relative to the claim of Marcus Brown, be taken from the files of the House and referred to the standing committee on claims.

On motion of Mr. Noble,

*Resolved*, That the Clerk of this House furnish to each member a copy of the "Code Reporter," a monthly paper published in the city of New-York, from its commencement to the close of the present session of the Legislature.

On motion of Mr. Cross,

*Resolved*, That a select committee of five members of this House be appointed by the Speaker, to inquire into and report to this House the cause of the dampness of the atmosphere of this chamber, and what measures are necessary to remedy the same.

*Ordered*, That Mr. Cross, Mr. Noble, Mr. Brewer, Mr. Mersereau and Mr. Glass, be such committee.

Mr. McNeal gave notice that he would ask leave at some early day, to bring in a bill to establish a board of health in each town of the state.

Mr. Wells gave notice of his intention at the earliest day possible, to introduce a bill requiring the canal commissioners, as they shall deem the interest of the state to require it, to cause a towing path to be constructed from the guard lock at Glens Falls feeder dam, to the rapids above, on the bank of the river, and to prohibit the collection of tolls on lumber and wood floating down the river, until such towing path is completed.

Mr. Wells gave notice that he would at some early day ask leave to bring in a bill for the relief of Moses Randall, an executor of

last will and testament of James Roberts, late of Luzerne, in the county of Warren, deceased.

Mr. Buxton offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Clerk furnish each officer of this House, (except messengers) with such newspapers as they may respectively direct, not exceeding the cost of two daily papers, and that the expense thereof, including postage, be paid out of the contingent fund of the House.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Kidd gave notice that he would at an early day ask leave to bring in a bill to authorize county clerks to make out an index in alphabetical order, of all the persons holding mortgages in their respective counties, and correct the same annually for the inspection of the town assessors.

Mr. Fish gave notice of his design to ask leave on some future day, to introduce a bill to amend the act entitled "An act to provide for the incorporation of villages," passed December 7, 1847.

Mr. Gove gave notice that he intends to ask leave to introduce a bill relative to suits pending, which were commenced prior to the 1st of July, 1848.

On motion of Mr. Gilbert,

*Resolved*, That the petition and papers in relation to the claim of Maria Johnson and others, heirs of William Gall, deceased, be taken from the files of this house, and referred to the committee on claims.

Mr. Fish gave notice that on some future day he will ask leave to introduce a bill to abolish punishment by death, and to substitute solitary confinement therefor, and to restrict the pardoning power thereon.

L. Ward Smith gave notice that at an early day he would ask leave to introduce a bill to secure the payment of wages to day laborers for work performed under contract, on the canals and other public works of this state.

On motion of Mr. Averill,

*Resolved*, That the papers presented to the Assembly at its late session in relation to attaching a part of the town of Canajoharie to the town of Minden, in Allegany co., be taken from the files of the Assembly, and referred to the committee on the division of towns and counties.

On motion of Mr. Nash,

*Resolved*, That the papers of Matthew Sayre be taken from the files of the House, and referred to the committee on claims.

Mr. Taylor gave notice that he would at an early day ask leave to introduce a bill to restore to the treasury of the city of New-York, the duties accruing from the sale of merchandise by auction in said city.

Mr. Glass gave notice that he would at some future day, bring in a bill to equalize assessments and taxation.

Mr. A. Johnson gave notice that he would at an early day ask leave to bring in a bill to amend the act entitled "Of excise, and the regulation of taverns and groceries."

Leave of absence was granted to Mr. A. Robertson for five days.

The House then resolved itself into a committee of the whole on the report of the select committee upon the rules and orders of the Assembly; and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Cross, from said committee, reported that the committee had agreed to the rules and orders in the following words, to wit:

### RULES AND ORDERS OF THE HOUSE OF ASSEMBLY, ADOPTED JANUARY 4, 1848.

1. Upon the appearance of a quorum, the Speaker having taken the chair, and the members being called to order, the journal of the preceding day shall be read, to the end that any mistakes therein may be corrected by the House: and in all cases of the absence of a quorum the members present may take such measures as shall be necessary to procure the attendance of absent members; and the Speaker, with the consent of the majority of the members present, may adjourn from day to day until a quorum shall appear.

2. After the reading and approving of the journal, the order of business, which shall not in any case be departed from, except by the unanimous consent of the House, shall be as follows:

1. The presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Messages from the Governor.
5. Communications from the State officers.
6. Messages from the Senate.
7. Third reading of bills.
8. Motions, resolutions, notices, and introduction of bills.
9. Unfinished business.
10. Special orders of the day.
11. General orders of the day; but messages from the Governor, communications from State officers, and messages from the Senate, may be considered at any time.

3. Motions for reference to different committees shall be put in the following order:

1. To the committee of the whole.
2. To a standing committee.
3. To a select committee.

4. No bill shall be ordered to a third reading without having been acted on in committee of the whole; and the same shall not be considered in committee of the whole until printed.

5. The Speaker shall cause the Clerk to make a list of all bills, resolutions and reports of committees, and other proceedings of the House which are committed to a committee of the whole, and not made a special order of the day for any particular day; which list shall be called the "*The General Orders of the Day.*"

6. All questions relating to the priority of business shall be decided without debate.

7. The Speaker shall preserve order and decorum, and shall decide all questions of order, subject to the appeal of the House. On every appeal from the decision of the Speaker, he shall have the right in his place to assign his reasons for his decision. He shall have the right to name any member to perform the duties of the chair, but such a substitution shall not extend beyond one day, unless by leave of the House.

8. When the House shall be equally divided, including the Speaker's vote, the question shall be lost.

9. When the Speaker is putting the question, no member shall walk across or out of the House.

10. When the House adjourns, the members shall keep their seats until the Speaker shall have left the chair.

11. Every member previous to his speaking, shall rise from his seat and address himself to the Speaker.

12. When two or more members rise at once, the Speaker shall name the member who is first to speak.

13. No member shall speak more than twice to the same general question without leave of the House; nor more than once in any case, until every member choosing to speak shall have spoken.

14. While a member is speaking, no member shall entertain any private discourse, or pass between him and the chair.

15. A member called to order shall immediately sit down, unless permitted to explain. All decisions of the chair on questions of order shall be conclusive, unless reversed on appeal to the House.

16. Every member who shall be within the bar of the House when a question is stated from the chair, shall vote thereon, unless he be excused by the House, or unless he be directly interested in the question in which case he shall not vote. No member shall be permitted to vote on any question unless within the bar when his name is called in regular order. The bar of the House shall be deemed to include only the Assembly chamber within the rails, excluding the cloak room.

17. Petitions, memorials, and other papers addressed to the House shall be presented by the Speaker, or by a member in his place.

18. Every member previous to presenting a petition or memorial shall endorse on the same the substance thereof, and add his name; the clerk shall then read the endorsement; after which, the Speaker shall put the question on the reference of said petition or memorial.

19. Every motion shall be first stated by the Speaker before debate; and every such motion shall be reduced to writing, if the Speaker or any member desire it.

20. After a motion is stated by the Speaker, it shall be deemed to be in the possession of the House, but may be withdrawn at any time before a decision or amendment.

21. If the question in debate contain several distinct propositions, any member may have the same divided; but a motion to strike out and insert shall be indivisible.

22. When a blank is to be filled, and different sums or times are proposed, the question shall first be put on the largest sum and longest time.

23. When a question is under debate, no motion shall be received unless for a call of the House, for the previous question, to postpone it indefinitely, to adjourn it to a certain day, to lay it on the table, to commit it, to amend it, or to adjourn the House.

24. A motion to lay a question on the table shall be decided without amendment or debate; a motion to commit until it is decided, shall preclude all amendment and debate of the main question; and a motion to postpone a question indefinitely, or to adjourn it to a day certain, until it is decided, shall preclude all amendment of the main question.

25. The "previous question" shall be as follows—"*Shall the main question be now put?*" and until it is decided, shall preclude all amendment or debate. When on taking the previous question, the House shall decide that the main question shall not now be put, the main question shall be considered as still remaining under debate. The "main question" shall be on the passage of the bill, resolution or other matter under consideration; and in cases where there shall be pending amendments which have been adopted in committee of the whole, but not acted on in the House, the question shall first be taken upon such amendments in their order, and without further debate or amendment.

26. A motion to adjourn the House shall always be in order and decided without debate.

27. In all cases where a bill, order, resolution or motion shall be entered on the journal of the House, the name of the member moving the same shall also be entered on the journal.

28. If any ten members require it, the ayes and nays upon any question shall be taken and entered upon the journal.

29. All committees shall be appointed by the Speaker, unless otherwise specially directed by the House.

30. Select committees to whom original references are made, and all committees to whom private claims are referred, shall in all cases report a state of facts with their opinion thereon.

31. Every bill originating in this House, shall be introduced by motion for leave, or by an order of the House and a report of a committee. One day's notice at least shall be given of a motion for leave to bring in a bill unless the House otherwise unanimously allow; such notice shall specify the subject matter of such bill; and all resolutions of reference and instruction to committees shall state the subject to be referred.

32. All bills brought into this House by any member or committee, shall be endorsed with the name of the member or committee bringing in the same; all bills introduced by members on leave shall be referred to one of the standing committees or to a select committee; such committee may report adversely to the entire bill, with or without amendment, and the bill, if any, reported by such a committee, shall then become the bill before the House for consideration.

33. No private bill shall be brought into this House, but upon a memorial or petition presented to the House, and signed by the party or parties praying for such bill, except by the unanimous consent of the House.

34. No bill shall be committed or amended until it has been twice read.

35. Every message from the Senate communicating any bill for the concurrence of this House, shall with the accompanying documents, if any, be referred to a standing or select committee to consider and report thereon.

36. All amendments by the Senate to bills which have passed this House, shall be referred to a standing or select committee, to examine and report thereon, unless the House shall otherwise expressly order or allow.

37. In forming a committee of the whole House, the Speaker shall leave the chair, and shall appoint a chairman to preside.

38. The rules of the House shall be observed in the committee of the whole, so far as may be applicable, except limiting the number of times of speaking, and except that the ayes and noes shall not be taken. Such committee may strike out the enacting clause of a bill, and report that fact to the House: and if the report be agreed to by the House, it shall be deemed a rejection of the bill.

39. Bills committed to a committee of the whole House, shall, in committee of the whole thereon, be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered. All amendments shall be noted on a separate piece of paper, and reported to the House by the chairman of the committee of the whole; after the report, the bill shall be still subject to debate and amendment before the question to engross is put; and such amendments only shall be in order, as were offered and decided in committee of the whole House.

40. A similar mode of proceeding shall be observed with bills which have originated in the Senate, as with bills originating in this House.

41. If, at any time when in committee of the whole House, there be not present a quorum to do business, the chairman shall immediately report that fact to the Speaker.

42. On a motion in committee of the whole House to rise and report progress, the question shall be decided without debate.

Every bill shall receive three several readings, previous to its being passed; and the second and third reading shall be on different days; and the third reading shall be on a day subsequent to that on which the bill passed in committee of the whole House, unless the House unanimously direct otherwise; and the question on the final passage of a bill shall be taken immediately after such third reading, and without debate: and no bill shall be read the last time unless it shall have been once printed, without the consent of a majority of the members present.

44. A standing committee of five members shall be appointed to be called "The committee on engrossed bills;" whose duty it shall be carefully to examine all the bills passed by this House, and see that the same are correctly engrossed, and report the same to the House before they are signed by the Speaker.

45. Reports from the committee on engrossed bills shall at all times be in order, and have the preference to any other business.

46. When a bill passes the House, the Speaker shall certify the same with the date thereof, at the foot of the bill.

47. No motion for reconsideration shall be in order unless on the same day or day following that on which the decision proposed to be reconsidered took place; nor unless one of the majority shall move such reconsideration. A motion for reconsideration being put and lost, shall not be renewed; nor shall any subject or vote be a second time reconsidered without unanimous consent.

48. A standing committee of five members shall be appointed on bills coming within the ninth section of the first article, and 14th section of article seven of the Constitution of this State; and when any bill shall have passed in committee of the whole House, on which the Speaker may entertain doubts whether it comes within the provisions of either of the said sections, it shall be referred to the said committee to examine and report thereon, before the question on the final passage shall be taken.

49. A motion to reconsider the vote on the final passage of any bill, shall be made by any member who voted in favor of the decision of the House on the question on the final passage of the bill; and except in the case of a two-third bill, a majority of all the members elected to the House shall be required to reconsider the same; and on a motion to reconsider the vote on the final passage of any bill requiring the assent of two-thirds of all the members elected to this House, two-thirds of the members elected to the House shall be required to reconsider the same. But the vote on the final passage of any bill creating, continuing, altering, or renewing any moneyed incorporation shall not be reconsidered whenever such bill shall be lost.

50. No standing rule or order of this House shall be suspended, changed or rescinded, without one day's previous notice being given of the motion therefor; nor shall the 49th rule, so far as it applies to two-third bills, be altered, changed, rescinded or suspended, unless two-thirds of all members elected to this House agree to such alteration, change, rescinding or suspension.

51. No person, unless in the exercise of official duty or by special invitation of a member, shall be admitted on the floor of the House, except members of the Senate, the State officers and such reporters as the Speaker shall designate. The privilege of admission under any invitation shall not extend beyond the day on which such invitation shall be given.

52. Standing committees, consisting of five members each, shall be appointed on the following subjects:

Ways and Means,  
 Commerce and Navigation,  
 Canals,  
 Railroads,  
 Banks and insurance companies,  
 Two-third and three-fifth bills,  
 Colleges, academies and common schools,  
 Grievances,  
 Privileges and elections,  
 Petitions of aliens,  
 Erection and division of towns and counties,  
 Claims,  
 Internal affairs of towns and counties,  
 Medical societies and colleges,  
 Incorporation of cities and villages,  
 Manufacture of salt,  
 Trade and manufactures,  
 State prisons,  
 Engrossed bills,  
 Militia and public defence,  
 Roads and bridges,  
 Public lands,  
 Indian affairs,  
 Charitable and religious societies,  
 Agriculture,  
 Expiring laws,  
 Public Printing,  
 Expenditures in the Executive Department,  
 Expenditures of the House; and

A committee on the Judiciary, consisting of seven members.

And it shall be the duty of each of the several committees to inquire into the matters indicated by its name, and to report thereon to the House any information, and any bill or resolution which it may deem conducive to the public good.

53. There shall be printed, of course, and without order, 350 copies of all original bills reported by committees of either House; and 675 copies of all messages from the Governor, (except messages certifying his approval of bills,) all reports of standing or select committees, and all reports or communications made in pursuance of law, or of a resolution of this House; which number shall be denominated the usual number. And all motions or resolutions for the printing of an extra number of any document, paper or bill, shall be referred as of course to the printing committee to report thereon.

54. It shall be the duty of the committee on public printing, to examine and report on all questions of printing referred to them; and to state an approximate estimate of the cost in the particular case referred, when practicable: to examine, from time to time, and ascertain whether the prices charged for printing are in conformity to the contract therefor, and whether it is done in conformity to the orders of the House, and without unreasonable delay; to ascertain and



report what number of copies ought usually to be printed, distributed; and to report to the House, from time to time, such measures they may deem useful for the economical and proper management of the public printing.

55. It shall be the duty of the committee on expenditures in the House and in the Executive Department, severally to inquire into said expenditures, and whether the same have been made in conformity to law, and whether proper vouchers exist for the same, and whether the funds provided for the purpose are economically applied, and to report from time to time such provisions, laws and regulations as may conduce to economy, and secure the faithful disbursement of the moneys appropriated by law.

56. Resolutions giving rise to debate, all concurrent resolutions and those containing calls for information from the Executive Departments, shall lie over one day for consideration, after which they may be called up, of course, under that order of business.

57. It shall be the duty of the committee on ways and means to examine into all the departments of the government, whether executive, legislative, Judicial or otherwise, where salaries or emoluments are given; to examine, ascertain and report to the House what officers can be dispensed with, and what salaries and emoluments can be reduced, and how far consistent with the public good to take such action in regard to section eight, of article seven of the Constitution of this state, as may be requisite.

58. No bill or other matters shall be made a special order of the day for a particular day, without the assent of two-thirds of the members present. It shall not be in order to make any bill or matter a special order of the day from day to day: nor shall more than two bills or other matters be made special orders for the same day.

Mr. Campbell moved to amend the report of the committee by striking out the words "excluding the cloak room," where that is in the 16th rule, as reported by the committee of the whole.

Mr. Speaker put the question whether the House would concur in the said motion of Mr. Campbell, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would concur in the report of the committee of the whole, and it was determined in the affirmative.

Mr. Noble moved that the rules and orders as reported by the committee of the whole, and agreed to by the House, be added to the standing rules of this House.

Mr. Speaker put the question whether the House would concur in the said motion of Mr. Noble, and it was determined in the affirmative.

And then, at one o'clock, p. m.,

On motion of Mr. Cross,  
The House adjourned.

## FRIDAY, JANUARY 5, 1849.

The House met pursuant to notice.

Prayer by the Rev. Dr. Wyckoff.

The minutes of yesterday were read and approved.

Mr. Fish presented three several petitions of sundry inhabitants of the town of Glen, praying for a law to authorize the Fultonville and Johnstown Plank Road Company, to bridge the Mohawk river within one mile of the Canajoharie bridge, which were read, and referred to the committee on roads and bridges.

Mr. Leavenworth presented the petition of the board of supervisors of Wayne co., praying for a reduction of the number of superintendents of the poor in said county, which was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Pruyn presented the petition of the Albany Insurance Company, praying for a reduction of capital and extension of charter, which was read, and referred to the committee on banks and insurance companies.

Mr. Nash presented the petition of Nathan Saunders and Roswell Goff, of the town of Big Flatts, Chemung co., praying for a bridge over the Chemung canal feeder, on the lines of petitioners' farms, which was read, and referred to the committee on canals.

Mr. Raynor presented the petition of the Young Men's Association of the city of Buffalo, praying for an amendment of their charter, which was read, and referred to the committee on colleges, academies, and common schools.

Mr. Taylor presented the petition of Paul Armour, praying for a law to have the estate of John Armour deceased, confirmed to his next of kin and heirs at law, which was read, and referred to the committee on the petitions of aliens.

Mr. Brewer presented the petition of Jesse Hoyt and 29 others, guards at Sing Sing state prison, praying for an increase of salary, which was read, and referred to the committee on state prisons.

Mr. L. M. Gilbert presented the petition of sundry inhabitants of Cherry Valley, Otsego co., praying for a division of said town, and the erection of a new town from the south part thereof, which was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Pruyn presented two several petitions of the corporation of West Troy, praying for a bridge over the canal at Ferry-st., in West Troy, which were read, and referred to the committee on roads and bridges.

Mr. Gates presented the petition of Henry Ely, an alien, praying for an act authorizing him to hold and convey real estate, which was read, and referred to the committee on the petitions of aliens.

Mr. Averill presented the petition of 128 citizens of Oppenheim, Fulton co., praying for a division of said town, and the annexation

of a part to the town of St. Johnsville, in Montgomery county, which was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Fiske presented the petition of 113 inhabitants of the town of Gravesend, Kings co., praying for a road from Gravesend to the city of Brooklyn, which was read, and referred to the committee on roads and bridges.

Mr. Slocum presented the petition of Phineas Hutchins, of the town of Spafford, Onondaga co., praying for a law to enable him to take the oath of office as one of the superintendents of the poor of said county, which was read, and referred to the committee on the judiciary.

Mr. Elderkin presented the petition of the trustees of St. Lawrence Academy, asking for the establishment of a Normal school in their academy, or for relief from certain pecuniary obligations to the state, which was read, and referred to the committee on colleges, academies, and common schools.

Mr. Cornell presented the petition of the mayor of the city of New-York, and of the trustees of the Astor Library Association, praying for the incorporation of the association, which was read:

On motion of Mr. Cornell,

*Ordered,* That the said petition be referred to a select committee.

*Ordered,* That Mr. Cornell, Mr. L. Ward Smith, Mr. Campbell, Mr. Fiske, and Mr. Elwood, be such committee.

A communication from the Secretary of state was received and read in the words following, to wit:

*Albany, January 4, 1849. }*  
*SECRETARY'S OFFICE. }*

*To the Speaker of the Assembly.*

SIR:—By section 6, chapter 260, of the laws of 1848, six hundred dollars were appropriated for collecting documents and papers belonging to the state, connected with its history, and translating the same.

I herewith transmit to the Legislature a document with accompanying maps and drawings, prepared by Doctor E. B. O'Callaghan, illustrating the early history of the state.

Very respectfully, your ob't. serv't.,

CHRISTOPHER MORGAN.

On motion of Mr. Pruyn,

*Resolved,* That the Secretary of state cause to be printed and bound, for the use of the Legislature, twenty times the usual number of copies of his report, relating to the history of the state, with the accompanying documents, maps, &c., also 500 copies for his own use, and 500 copies for the Regents of the University, to be used for literary exchanges.

A communication was received from the Treasurer in the words following, to wit:

*Albany, January 5, 1849.* }  
**TREASURER'S OFFICE.** }

*To the Speaker of the Assembly.*

**SIR:**—In conformity with the act entitled “an act in relation to reports of state officers,” passed November 11, 1847, I herewith transmit my annual report for the fiscal year ending September 30, 1848, and also to the termination of the calendar year.

I am sir, very respectfully,

Your obedient servant,

**ALVAH HUNT,**  
*Treasurer.*

(See Doc. No. 6.)

**Ordered,** That the said report be referred to the committee on ways and means.

On motion of Mr. W. S. Smith,

**Resolved,** That three times the usual number of the said report be printed for the use of the Legislature, and two hundred and fifty copies for the use of the Treasurer.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the resolutions therewith delivered, in the words following, to wit:

**WHEREAS,** The people of the state of New-Mexico have petitioned Congress for the establishment of a territorial government which shall protect them against the institution of domestic slavery, while they remain a territory of the United States; and have also petitioned Congress for protection against the unfounded claims of the state of Texas, to a large portion of their territory, lying east of the Rio Grande; and whereas it would be unjust to the people of New-Mexico and California, and revolting to the spirit of the age, to permit domestic slavery—an institution from which they are now free—to be introduced among them; and whereas, since the acquisition of New-Mexico by the United States, the people thereof have a right to expect the protection of the general government, and should be secured in the full possession and enjoyment of their territory: Therefore,

**Resolved,** (if the Assembly concur) That our Senators in Congress be instructed, and our representatives in Congress be requested to use their best efforts to procure the passage of laws for the establishment of governments for the territory acquired by the late treaty of peace with Mexico; and that, by such laws, involuntary servitude, except for crime, be excluded from such territories.

**Resolved,** (if the Assembly concur) That the territory lying between the Nueces and Rio Grande, and that portion of New-Mexico lying east of the Rio Grande, are the common property of the United States, and that our Senators in Congress be instructed, and our representatives in Congress be requested to use their best efforts to preserve the same as such common property, and protect it from the unfounded claims of the state of Texas, and prohibit the extension over it of the laws of Texas, or the institution of domestic slavery.

*Resolved*, (if the Assembly concur) That the existence of for the confinement, and marts for the sale of slaves, at the national government, is viewed by this Legislature with regret and mortification; and that such prisons and marts ought to be abolished:

*Resolved*, (if the Assembly concur) That our Senators in be instructed, and our representatives in Congress be required to use their strenuous efforts to procure the passage of a law to protect slaves from unjust imprisonment, and shall effectually end to the slave trade in the District of Columbia.

*Resolved*, (if the Assembly concur) That the Governor be requested to forward copies of the foregoing resolutions to each Senators and Representatives in Congress.

Mr. Varnum moved that the said resolutions be laid upon the table.

Mr. Speaker put the question whether the House would adopt the said motion of Mr. Varnum, and it was determined in the affirmative.

Mr. Rose moved that said resolutions be referred to the committee of the whole.

Mr. Speaker put the question whether the House would adopt the said motion of Mr. Rose, and it was determined in the affirmative.

A message from the Senate was received and read in the following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting them to transmit to the Senate the report now in that House in relation to the claim of Packard Brothers for canal damages.

Mr. Speaker put the question whether the House would adopt the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read in the following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting them to transmit to the Senate the paper now in that House relating to the claim of Elizabeth Stitt and heirs of Thomas Mott, deceased.

Mr. Speaker put the question whether the House would adopt the said resolution, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Boughton asked for and obtained leave to introduce a bill, entitled "An act to authorise trustees of the village of Williamsburgh to raise money by loan on certain debts;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Bowen asked for and obtained leave to introduce a bill, entitled "An act to designate the time to be observed in the acceptance and payment of bills of exchange and promissory notes;" which was read the first time, and by

mous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Gove asked for and obtained leave to introduce a bill, entitled "An act in relation to suits pending in the courts of this state, commenced prior to the 1st day of July, 1848;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Thompson asked for and obtained leave to introduce a bill, entitled "An act in relation to chattel mortgages required to be filed in the office of the clerk of the county of Erie;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. B. Thompson asked for and obtained leave to introduce a bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of companies to construct plank roads, and companies to construct turnpike roads,'" passed Nov. 24, 1847; which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

Mr. St. John offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the superintendent of common schools be requested to transmit to this House, his opinion of the practicability of a law directing the distribution of the school monies of each town in this state among the several school districts, wherein the school house of such districts are situated, without regard to the territory of which a district may be composed; except in cases where a town or district may have a local school fund, and in cases where a town may vote an additional sum for school purposes beyond what the law now requires to be raised; and excepting also the cases where a district may be composed in part, of territory lying without the bounds of this state.

*Ordered*, That the said resolution be laid upon the table.

Mr. Wing gave notice that he would at an early day ask leave to bring in a bill to authorize the sale of the lots in the city of Albany, known as the Hallenbake burial ground, and the removal of the bodies interred therein to the Albany Rural Cemetery.

On motion of Mr. Rose,

*Resolved*, That the papers relating to the claim of the heirs of Henry Satterly for his services as a soldier in the army of the revolution, be taken from the files of this House and referred to the committee on claims.

On motion of Mr. Kidd,

*Resolved*, That the bill authorizing the inhabitants of the town of Eastchester to raise money by tax to repair roads and bridges, be taken from the files and referred to the committee on roads and bridges.

On motion of Mr. Willard,

*Resolved*, That the petitions and papers introduced during the last session of the Legislature of this state, in relation to forming a new town from the towns of Independence and Scio, in the county of Allegany, be referred to the committee on the division of towns and counties.

Mr. Disosway gave notice that he would ask leave to introduce a bill to exempt from execution the homestead of a householder having a family.

Mr. L. Ward Smith offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Comptroller be requested to report to this House, at what time it is estimated that the Revenue of the sinking funds created by the constitution for the extinguishment of the canal, general fund, and contingent debt on state stocks loaned to incorporated companies, will extinguish those debts, and what portion of those debts will remain after applying thereon the whole of the accumulations in such sinking funds, at the time of the expiration of the charter of the Safety Fund Bank, having the longest time to run.

*Ordered*, That the said resolution be laid upon the table.

On motion of Mr. Bowen,

*Resolved*, That the petitions for the designation of holidays to be observed in the payment of bills of exchange and promissory notes be taken from the files of last session and referred to the committee on the judiciary.

On motion of Mr. Pruyn,

*Resolved*, That the Comptroller cause to be printed for the use of the Legislature, a statement of all the sales of land for taxes under and by virtue of the several acts for the assessment and collection of taxes, (not heretofore reported) describing the lot and number of acres sold, the amount for which the same was sold, and the name of the purchaser or purchasers; also the name of the person to whom conveyed by the Comptroller.

Mr. Rounseville gave notice, that at some early day he would ask leave to bring in a bill to amend an act entitled, "An act to extend the exemption of household furniture and working tools from distress for rent and sale under execution," passed April 11, 1842.

Mr. Brewer gave notice that he would, at an early day, ask leave to introduce a bill to abolish the marine court of the city of New-York.

Mr. Baxter gave notice that he would, at some early day, ask leave to bring in a bill regulating the fees of physicians.

Mr. L. Ward Smith gave notice that he would, at an early day, ask leave to introduce a bill to amend an act entitled, "An act providing for the improvement of Conesus lake, as a reservoir to supply the Genesee Valley and Erie canals," passed April 12, 1848.

Mr. Pruyn gave notice that he would, at an early day, ask leave to bring in a bill designating the time of holding courts of sessions.

Mr. Averill gave notice that he would, at an early day, ask leave to introduce a bill to amend the act in relation to plank roads.

Mr. Taylor gave notice that he would, at an early day, ask leave to bring in a bill to incorporate the "The People's Bank for savings in the city of New-York."

Mr. Hudson gave notice that he would, at an early day, ask leave to introduce a bill providing for the redemption of the notes of the banks of this State, at par, in the City of New-York.

Mr. Elwood gave notice of leave at an early day to introduce a bill to amend the act entitled, "An act to provide for the incorporation of companies to construct plank roads and companies to construct turnpike roads."

Mr. B. Thompson gave notice of his intention at an early day to bring in a bill to amend the charter of the "Franklin Mutual Insurance company of Erie county."

Mr. W. H. Robertson gave notice of his intention, at an early day, to introduce a bill to amend section 202 of an act entitled "An act to simplify and abridge the practice and pleadings and proceedings of the courts of this State," passed April 12, 1848.

Mr. Fish gave notice that he would, at some future day ask leave to introduce a bill for the relief of county superintendents of the poor, who have omitted to file their bonds as required by law, and authorising them to execute bonds hereafter, and ratify their proceedings so far.

The House then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the Firemen's Insurance company of the city of Albany," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. W. S. Smith from said committee reported progress and asked leave to sit again.

Mr. Fisk moved that the committee of the whole be discharged from the consideration of said bill, and that the same be referred to the committee on banks and insurance companies.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fisk, it was determined in the affirmative.

On motion of Mr. Cross,

The House then resolved itself into a committee of the whole on the concurrent resolutions from the Senate, relative to the establishment of a territorial government in New-Mexico and California, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Brewer from said committee reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the annual message of the Governor, and after some time spent thereon Mr. Speaker resumed the chair and Mr. Noble from said committee, reported, for the consideration of the House, a resolution, in the words following, to wit:

*Resolved*, That so much of the message of his Excellency the Governor, as relates to the fiscal affairs of the state and its public credit, be referred to the committee on ways and means.



1. That so much thereof as relates to the canals, the canal revenues, and the appropriation thereof, be referred to the committee on canals.

2. That so much thereof as relates to the banks and banking system of this state, be referred to the committee on banks and insurance companies.

3. That so much thereof as relates to education, the Normal school, academies, colleges, and common schools, together with the amount, investment, appropriation and distribution of the funds belonging thereto, and the institution and support of public libraries, be referred to the committee on colleges, academies, and common schools.

4. That so much thereof as relates to agriculture and the establishment of agricultural schools, be referred to the committee on agriculture.

5. That so much thereof as relates to manufactures and the formation of schools for instruction in the mechanic arts, be referred to the committee on trade and manufactures.

6. That so much thereof as relates to the criminal code, to replevies, commutations and pardons, punishment for crime, the several state prisons and houses of reformation for juvenile delinquents, be referred to the standing committee on state prisons

7. That so much thereof as relates to the code of procedure and the judiciary, be referred to the committee on the judiciary.

8. That so much thereof as relates to the militia, and the volunteers from this state mustered in the service of the United States, be referred to the committee on the militia and public defence.

9. That so much thereof as relates to the war with Mexico, be referred to the committee on the militia and public defence.

10. That so much thereof as relates to the public charities of this state, be referred to the committee on charitable and religious societies.

11. That so much thereof as relates to the filling of vacancies in office, be referred to the committee on the judiciary.

12. That so much thereof as relates to transferring local legislation to boards of supervisors, and increasing their powers, be referred to the committee on internal affairs of towns and counties.

13. That so much thereof as relates to assessments and taxes, and sales of land for unpaid taxes, be referred to a select committee.

14. That so much thereof as relates to claims against the state be referred to the committee on claims.

15. That so much thereof as relates to the location of the quarantine, and to immigration, be referred to the committee on commerce and navigation.

Mr. Speaker put the question whether the House would agree to the said resolutions as reported from the committee of the whole, and it was determined in the affirmative

And then at 1 o'clock p. m.,

On motion of Mr. Bush,  
The House adjourned.

## SATURDAY, JANUARY 6, 1849.

The house met pursuant to adjournment.

Prayer by the Rev. Mr. Waggoner.

The minutes of yesterday were read and approved.

Mr. Boardman presented the petition of sundry inhabitants of the county of Allegany, praying for a bridge across the Genesee river, near the village of Mixville, which was read, and referred to the committee on roads and bridges.

Mr. Fish presented the petition of 77 citizens of Johnstown and Mohawk, praying for a law to authorize the Fultonville and Johnstown Plank Road Company, to bridge the Mohawk, which was read, and referred to the committee on roads and bridges.

Mr. W. S. Smith presented the petition of sundry citizens of North Hempstead, praying for a law to regulate the taking of oysters in the bays of that town, which was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Averill presented the petition of John H. Babcock, Leander Fox and others, praying for damages sustained by the overflowing of the waters of the Otaquago creek, by reason of the construction of the Erie canal, which was read, and referred to the committee on claims.

Mr. Elderkin presented the petition of 125 inhabitants of the towns of Louisville and Massena, in the county of St. Lawrence, asking for the annexation of a part of the town of Louisville to the town of Massena, which was read, and referred to the committee on the internal affairs of towns and counties.

Mr. Tuthill presented the petition of the New-York State Agricultural Society, praying for an annual appropriation for the encouragement of agriculture, which was read, and referred to the committee on agriculture.

Mr. Brinkerhoff presented the petition of sundry citizens of the county of Cayuga, praying for an act declaring the public utility of a railroad from Auburn to Binghamton, which was read, and referred to the committee on railroads.

Mr. Cornell, from the select committee, to which was referred the petition of the mayor of the city of New-York, and the trustees of the Astor library association for the incorporation of the association, reported in favor of the prayer of the petitioners, and asked leave to bring in a bill.

(See Doc. No. 10.)

Leave being granted, Mr. Cornell brought in the said bill, entitled "An act to incorporate the trustees of the Astor library," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

A communication from the Comptroller in answer to a resolution passed by this House on Jan. 5, in relation to publishing and printing

a list of lands sold for taxes, &c., was received and read, and laid upon the table.

(See Doc. No. 8.)

Mr. L. Mowry gave notice of his intention at an early day, to bring in a bill for regulating the compensation of supervisors in such manner that the pay shall be liberal and uniform in every county throughout the state.

Mr. Crispell gave notice of his intention at an early day to introduce a bill for the alteration of the place of holding the annual meeting of the board of supervisors of the county of Ulster.

Mr. Brinkerhoff gave notice that he would at an early day ask leave to bring in bill to confirm the doings of the officers of the African Methodist Episcopal Church in Auburn.

Mr. White gave notice that he would at an early day ask leave to introduce a bill to repeal the act entitled "An act in relation to certain trusts," passed 1839, commonly called a law for the benefit of the Shakers.

Mr. Crispell gave notice of his intention at an early day to introduce a bill to amend the provisions of the Revised Statutes relating to the equalization of assessments and the correction of assessment rolls.

Mr. March gave notice that he would at an early day ask leave to introduce a bill to amend the code of procedure in such manner as to restore to the county courts and courts of general sessions of the several counties of this state, the same powers and jurisdiction that they possessed under the judiciary act of 1847.

Mr. Bagley gave notice that he would at some future day ask leave to introduce a bill to provide for the election of an officer in the town of Jefferson, to perform the duties of county judge and surrogate, in the absence or other inability of the present incumbent, to discharge such duties.

Mr. C. Thompson gave notice of his intention at an early day to bring in a bill to make the office of the clerk of the county of Erie, a salary office.

Mr. Guernsey gave notice that he would at some future day, ask leave to bring in a bill to make the office of clerk of Chautauque a salary office.

On motion of Mr. W. S. Smith,

*Resolved*, That the petition and papers of citizens of North Hempstead, in Queens county, praying for a law to regulate the taking of oysters, be taken from the files of this House and be referred to the committee on the internal affairs of towns and counties.

Mr. Brinkerhoff gave notice that he would at an early day ask leave to bring in a bill to require the commissioners of highways to expend the money on highways that is derived from a tax on railroads.

On motion of Mr. Guernsey,

*Resolved*, That the petition and papers relating to the claim of

Vandusen & Bates, be taken from the files of this House, and referred to the committee on claims.

On motion of Mr. Tuttle,

*Resolved*, That the petition and the bill for the relief of John Ferris, be taken from the files of the House and referred to the committee on claims.

On motion of Mr. Hammond,

*Resolved*, That the papers relating to school district No. 14, of the town of Milan and Pine Plains, be taken from the files of the House and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. Campbell asked for and obtained leave to bring in a bill, entitled "An act to amend an act, entitled 'An act in relation to justices and police courts in the city of New-York,' passed March 30, 1848, and the act amendatory to the same, passed April 12, 1848;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Pruyn asked for and obtained leave to introduce a bill, entitled "An act to designate the time of holding courts of sessions;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. W. H. Robertson asked for and obtained leave to bring in a bill, entitled "An act to amend an act, entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this state,' passed April 12, 1848;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Fish asked for and obtained leave to bring in a bill, entitled "An act in relation to county superintendents of the poor elected at the annual election in 1848, and to confirm their official acts;" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Fish,

*Ordered*, That the said bill be referred to a select committee consisting of the members from Onondaga county.

On motion of Mr. Prescott,

*Resolved*, That the papers relating to the claims of the estate of Jacob Kellogg, for canal damages, be taken from the files of the House and referred to a select committee.

*Ordered*, That Mr. Pruyn, Mr. Pierce, Mr. Prescott, Mr. Messereau and Mr. Willard, be said committee.

Leave of absence was granted to Mr. Blanchard, Sergeant-at-Arms, for six days.

Mr. Speaker announced as the select committee to whom was referred the petition for a law to regulate the hours of labor, Mr. L. Ward Smith, Mr. Elwood, Mr. Pruyn, Mr. Beekman and Mr. McLean.

Mr. Pruyn moved that the House reconsider the vote on the resolution passed yesterday in the words following, to wit :

*Resolved*, That the Comptroller cause to be printed for the use of the Legislature, a statement of all the sales of land for taxes under and by virtue of the several acts for the assessment and collection of taxes, (not heretofore reported) describing the lot and number of acres sold, the amount for which the same was sold, and the name of the purchaser or purchasers; also the name of the person to whom conveyed by the Comptroller.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

Mr. Pruyn moved to amend said resolution by inserting after the words "not heretofore reported," the words, "prior to the sale of 1848," and adding at the end of the resolution the following :

"And that when printed, the Comptroller cause the same to be bound, and furnish each state officer, member and officer of the Legislature with a copy of the same, also each county, city and town clerk with a copy thereof, to be deposited and preserved in their respective offices, and that in addition to the number of copies necessary to supply above officers, the Comptroller cause three hundred copies to be printed and bound for the use of his office.

On motion of Mr. Pruyn,

*Ordered*, That the said resolution be laid upon the table.

Mr. Marsh gave notice that he would, at an early day, ask leave to introduce a bill for the purchase and distribution to the several towns in this state one copy of the third edition of the Revised Statutes.

Mr. Rose moved that the resolution heretofore offered by him on the subject of slavery, be referred to the committee of the whole having in charge the concurrent resolutions from the Senate on the same subject.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Rose, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the resolutions from the Senate on the subject of Slavery in the territories of the United States, and also the resolution of Mr. Rose on the same subject, and after some time spent thereon, Mr. Speaker resumed the Chair, and Mr. Brewer from said committee, reported that the committee had agreed to the resolutions of the Senate in the words following, to wit :

WHEREAS, The people of the state of New-Mexico have petitioned Congress for the establishment of a territorial government which shall protect them against the institution of domestic slavery, while they remain a territory of the United States; and have also petitioned Congress for protection against the unfounded claims of the state of Texas, to a large portion of their territory, lying east of the Rio Grande; and whereas it would be unjust to the people of New-Mexico and California, and revolting to the spirit of the age, to per-

mit domestic slavery—an institution from which they are now free—to be introduced among them; and whereas, since the acquisition of New-Mexico by the United States, the people thereof have a right to expect the protection of the general government, and should be secured in the full possession and enjoyment of their territory: Therefore,

*Resolved*, (if the Assembly concur) That our Senators in Congress be instructed, and our representatives in Congress be requested to use their best efforts to procure the passage of laws for the establishment of governments for the territory acquired by the late treaty of peace with Mexico; and that, by such laws, involuntary servitude, except for crime, be excluded from such territories.

*Resolved*, (if the Assembly concur) That the territory lying between the Nueces and Rio Grande, and that portion of New-Mexico lying east of the Rio Grande, are the common property of the United States, and that our Senators in Congress be instructed, and our representatives in Congress be requested to use their best efforts to preserve the same as such common property, and protect it from the unfounded claims of the state of Texas, and prohibit the extension over it of the laws of Texas, or the institution of domestic slavery.

*Resolved*, (if the Assembly concur) That the existence of prisons for the confinement, and marts for the sale of slaves, at the seat of the national government, is viewed by this Legislature with deep regret and mortification; and that such prisons and marts ought forthwith to be abolished:

*Resolved*, (if the Assembly concur) That our Senators in Congress be instructed, and our representatives in Congress be requested to use their strenuous efforts to procure the passage of a law that shall protect slaves from unjust imprisonment, and shall effectually put an end to the slave trade in the District of Columbia.

*Resolved*, (if the Assembly concur) That the Governor be requested to forward copies of the foregoing resolutions to each of our Senators and Representatives in Congress.

Mr. Cornell moved to amend the report of the committee of the whole, by striking out the word "unfounded" in the preamble.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the negative.

{ AYES 28 }  
{ NAYS 82 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Barber	Mr. Elwood	Mr. St. John
Mr. Bellinger	Mr. Fiske	Mr. Smalley
Mr. Bogart	Mr. Goddard	Mr. Speaker
Mr. Boughton	Mr. Marsh	Mr. Stevens
Mr. L. Butts	Mr. Nash	Mr. Taylor
Mr. Campbell	Mr. Noble	Mr. J. E. Thompson

Mr. Carver  
Mr. Cornell  
Mr. Disosway  
Mr. Elderkin

Mr. Picket  
Mr. Pierce  
Mr. Porter

Mr. Varnum  
Mr. White  
Mr. Wilcox

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Those who voted in the negative are,

Mr. B. Allen  
Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Boardman  
Mr. Bowen  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. W. Butts  
Mr. Baxton  
Mr. Clark  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Danforth  
Mr. Fish  
Mr. Fitzhugh  
Mr. Fox  
Mr. Gates  
Mr. Glass  
Mr. Goff  
Mr. Gove  
Mr. Graham

Mr. Green  
Mr. Guernsey  
Mr. Hale  
Mr. Hall  
Mr. Hammond  
Mr. Harmon  
Mr. Hart  
Mr. Hoyt  
Mr. Hudson  
Mr. A. Johnson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. McKinney  
Mr. McNeal  
Mr. Maine  
Mr. Markel  
Mr. Mersereau  
Mr. Miller  
Mr. Moffatt  
Mr. Mowry  
Mr. Pardee  
Mr. Pease  
Mr. Perley  
Mr. Prescott  
Mr. Pruyn  
Mr. Raynor  
Mr. Richards

Mr. Roblee  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. Sexton  
Mr. Skeel  
Mr. Slocum  
Mr. L. Ward Smith  
Mr. Stevenson  
Mr. Stewart  
Mr. Strever  
Mr. Stryker  
Mr. Terry  
Mr. B. Thompson  
Mr. H. C. Tuthill  
Mr. Van Orden  
Mr. Vincent  
Mr. Ward  
Mr. Wells  
Mr. Wheaton  
Mr. Whittaker  
Mr. Willard  
Mr. Wing  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

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Mr. Fiske moved to amend the report of the committee of the whole, by inserting after the word "whereas," in the preamble, the words "a portion of."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the negative.

Mr. A. Johnson moved to amend the report of the committee of the whole, by striking out the instructions to our Senators where they occur in the second resolution.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Johnson, and it was determined in the negative.

Mr. Elwood moved to amend the report of the committee of the whole, by striking out the second resolution.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Elwood, and it was determined in the negative.

Mr. Fiske moved to amend the report of the committee of the whole, by inserting in the first resolution after the words "use their best efforts," the words, "to speedily adjust the proper boundary line between the state of Texas and New Mexico, and."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the negative.

The question being upon agreeing to the report of the committee of the whole,

Debate was had thereon; when

Mr. Bush called for the previous question.

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

A division of the question being called,

Mr. Speaker put the question whether the House would agree to the report of the committee of the whole on the first resolution, and it was determined in the affirmative.

{ AYES. 114 }  
{ NAYS 03 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. Richards
Mr. Averill	Mr. Gove	Mr. Roblee
Mr. Bagley	Mr. Graham	Mr. W. H. Robertson
Mr. Bailey	Mr. Green	Mr. Rockwell
Mr. Bellinger	Mr. Guernsey	Mr. Rose
Mr. Boardman	Mr. Hale	Mr. Rounsaville
Mr. Bogart	Mr. Hall	Mr. St. John
Mr. Boughton	Mr. Hammond	Mr. Sexton
Mr. Bowen	Mr. Harmon	Mr. Skeel
Mr. Boyce	Mr. Hart	Mr. Slocum
Mr. Brinkerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kidd	Mr. Stewart
Mr. W. Butts	Mr. McKinney	Mr. Strever
Mr. Buxton	Mr. McLean	Mr. Stryker
Mr. Campbell	Mr. McNeal	Mr. Terry
Mr. Carver	Mr. Maine	Mr. B. Thompson
Mr. Clark	Mr. Markel	Mr. J. E. Thompson
Mr. Cornell	Mr. Marsh	Mr. A. Tuttle
Mr. Crispell	Mr. Mersereau	Mr. H. C. Tutill
Mr. Crittenden	Mr. Miller	Mr. Van Auker
Mr. Cross	Mr. Moffatt	Mr. Van Orden



Mr. Culbert	Mr. Mowry	Mr. Varnum
Mr. Danforth	Mr. Nash	Mr. Vincent
Mr. Disosway	Mr. Noble	Mr. Ward
Mr. Elderkin	Mr. Pardee	Mr. Wells
Mr. Elwood	Mr. Pease	Mr. Wheaton
Mr. Fish	Mr. Perley	Mr. White
Mr. Fiske	Mr. Picket	Mr. Whittaker
Mr. Fitzhugh	Mr. Pierce	Mr. Willard
Mr. Fox	Mr. Porter	Mr. Wilcox
Mr. Gates	Mr. Prescott	Mr. Wing
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Wisewell
Mr. Glass	Mr. Quackenboss	Mr. Woodruff
Mr. Goddard	Mr. Raynor	Mr. Young

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Barber	Mr. Taylor	3
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Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole on the second resolution, and it was determined in the affirmative.

{ AYES 104 }  
{ NAYS 16 }

The ayes and nays being called by ten members, .

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Raynor
Mr. Averill	Mr. Goff	Mr. Richards
Mr. Bagley	Mr. Gove	Mr. Roblee
Mr. Bailey	Mr. Graham	Mr. W. H. Robertson
Mr. Beekman	Mr. Greene	Mr. Rockwell
Mr. Bellinger	Mr. Guernsey	Mr. Rose
Mr. Boardman	Mr. Hale	Mr. Rounseville
Mr. Bogart	Mr. Hall	Mr. Sexton
Mr. Boughton	Mr. Hammond	Mr. Skeel
Mr. Bowen	Mr. Harmon	Mr. Slocum
Mr. Boyce	Mr. Hart	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hoyt	Mr. Speaker
Mr. Brewer	Mr. Hudson	Mr. Stevenson
Mr. Budd	Mr. A. Johnson	Mr. Stewart
Mr. Bull	Mr. M. Johnson	Mr. Strever
Mr. Bush	Mr. Kelsey	Mr. Stryker
Mr. Button	Mr. Kennedy	Mr. Terry
Mr. W. Butts	Mr. McKinney	Mr. B. Thompson
Mr. Buxton	Mr. McLean	Mr. A. Tuttle
Mr. Campbell	Mr. McNeal	Mr. H. C. Tuthill
Mr. Carver	Mr. Maine	Mr. Van Auken
Mr. Clark	Mr. Markel	Mr. Van Orden
Mr. Crispell	Mr. Mersereau	Mr. Vincent
Mr. Crittenden	Mr. Miller	Mr. Ward

Mr. Cross	Mr. Moffatt	Mr. Wells
Mr. Culbert	Mr. Mowry	Mr. Wheaton
Mr. Curtis	Mr. Nash	Mr. White
Mr. Danforth	Mr. Pardee	Mr. Whittaker
Mr. Disosway	Mr. Pease	Mr. Willard
Mr. Fish	Mr. Perley	Mr. Wilcox
Mr. Fitzhugh	Mr. Picket	Mr. Wing
Mr. Fox	Mr. Pierce	Mr. Wisewell
Mr. Gates	Mr. Porter	Mr. Woodruff
Mr. A. Gilbert	Mr. Prescott	Mr. Young
Mr. L. M. Gilbert	Mr. Pruyn	

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Goddard	Mr. W. S. Smith
Mr. Barber	Mr. Marsh	Mr. Stevens
Mr. L. Butts	Mr. Noble	Mr. Taylor
Mr. Elderkin	Mr. Quackenboss	Mr. J. E. Thompson
Mr. Elwood	Mr. St. John	Mr. Varnum
Mr. Fiske		

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Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole on the third resolution, and it was determined in the affirmative.

{ AYES 118 }  
{ NAYS 05 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Raynor
Mr. Averill	Mr. Goff	Mr. Richards
Mr. Bagley	Mr. Gove	Mr. Roblee
Mr. Bailey	Mr. Graham	Mr. W. H. Robertson
Mr. Beekman	Mr. Green	Mr. Rockwell
Mr. Bellinger	Mr. Guernsey	Mr. Rose
Mr. Boardman	Mr. Hale	Mr. Rounseville
Mr. Bogart	Mr. Hall	Mr. St. John
Mr. Boughton	Mr. Hammond	Mr. Sexton
Mr. Bowen	Mr. Harmon	Mr. Skeel
Mr. Boyce	Mr. Hart	Mr. Slocum
Mr. Brinkerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Stewart
Mr. W. Butts	Mr. Kidd	Mr. Strever
Mr. Buxton	Mr. McKinney	Mr. Stryker
Mr. Campbell	Mr. McLean	Mr. Terry
Mr. Carver	Mr. McNeal	Mr. B. Thompson

Mr. Clark	Mr. Maine	Mr. J. E. Thompson
Mr. Cornell	Mr. Markel	Mr. A. Tuttle
Mr. Crispell	Mr. Marsh	Mr. H. C. Tutball
Mr. Crittenden	Mr. Mersereau	Mr. Van Auker
Mr. Cross	Mr. Miller	Mr. Van Orden
Mr. Culbert	Mr. Moffatt	Mr. Varnum
Mr. Danforth	Mr. Mowry	Mr. Vincent
Mr. Disosway	Mr. Nash	Mr. Ward
Mr. Elderkin	Mr. Noble	Mr. Wells
Mr. Elwood	Mr. Pardee	Mr. Wheaton
Mr. Fish	Mr. Pease	Mr. White
Mr. Fiske	Mr. Perley	Mr. Whittaker
Mr. Fitzhugh	Mr. Picket	Mr. Willard
Mr. Folger	Mr. Pierce	Mr. Wilcox
Mr. Fox	Mr. Porter	Mr. Wing
Mr. Gates	Mr. Prescott	Mr. Wisewell
Mr. A. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Young
Mr. Glass		

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. L. Butts	Mr. Taylor
Mr. Barber	Mr. Smalley	

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Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole on the fourth and fifth resolutions, and it was determined in the affirmative.

{ AYES 119 }  
{ NAYS 03 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Richards
Mr. Averill	Mr. Goff	Mr. Roble e
Mr. Bagley	Mr. Gove	Mr. W. H. Robertson
Mr. Bailey	Mr. Graham	Mr. Rockwell
Mr. Beekman	Mr. Green	Mr. Rose
Mr. Bellinger	Mr. Guernsey	Mr. Rounseville
Mr. Boardman	Mr. Hale	Mr. St. John
Mr. Bogart	Mr. Hall	Mr. Sexton
Mr. Boughton	Mr. Hammond	Mr. Skeel
Mr. Bowen	Mr. Harmon	Mr. Slocum
Mr. Boyce	Mr. Hart	Mr. Smalley
Mr. Brinkerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Stewart

Mr. L. Butts	Mr. Kidd	Mr. Strever
Mr. W. Butts	Mr. McKinney	Mr. Stryker
Mr. Buxton	Mr. McLean	Mr. Terry
Mr. Campbell	Mr. McNeal	Mr. B. Thompson
Mr. Carver	Mr. Maine	Mr. J. E. Thompson
Mr. Clark	Mr. Markel	Mr. A. Tuttle
Mr. Cornell	Mr. Marsh	Mr. H. C. Tuthill
Mr. Crispehl	Mr. Mersereau	Mr. Van Auken
Mr. Crittenden	Mr. Miller	Mr. Van Orden
Mr. Cross	Mr. Moffatt	Mr. Varnum
Mr. Culbert	Mr. Mowry	Mr. Vincent
Mr. Danforth	Mr. Nash	Mr. Ward
Mr. Disosway	Mr. Noble	Mr. Wells
Mr. Elderkin	Mr. Pardee	Mr. Wheaton
Mr. Elwood	Mr. Pease	Mr. White
Mr. Fish	Mr. Perley	Mr. Whittaker
Mr. Fiske	Mr. Picket	Mr. Willard
Mr. Fitzhugh	Mr. Pierce	Mr. Wilcox
Mr. Fox	Mr. Porter	Mr. Wing
Mr. Gates	Mr. Prescott	Mr. Wisewell
Mr. A. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Young
Mr. Glass	Mr. Raynor	

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Barber	Mr. Taylor	3
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Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole on the preamble, and it was determined in the affirmative.

{ AYES 112 }  
{ NAYS 09 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Pruyn
Mr. Averill	Mr. Goddard	Mr. Quackenboss
Mr. Bagley	Mr. Goff	Mr. Raynor
Mr. Bailey	Mr. Gove	Mr. Richards
Mr. Beekman	Mr. Graham	Mr. Roblee
Mr. Bellinger	Mr. Green	Mr. W. H. Robertson
Mr. Boardman	Mr. Guernsey	Mr. Rockwell
Mr. Bogart	Mr. Hale	Mr. Rose
Mr. Boughton	Mr. Hall	Mr. Rounseville
Mr. Bowen	Mr. Hammond	Mr. Sexton
Mr. Boyce	Mr. Harmon	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Slocum
Mr. Brewer	Mr. Hoyt	Mr. L. Ward Smith
Mr. Budd	Mr. Hudson	Mr. Speaker

Mr. Bull	Mr. A. Johnson	Mr. Stevenson
Mr. Bush	Mr. M. Johnson	Mr. Stewart
Mr. Button	Mr. Kelsey	Mr. Strever
Mr. W. Butts	Mr. Kennedy	Mr. Stryker
Mr. Buxton	Mr. Kidd	Mr. Terry
Mr. Campbell	Mr. McKinney	Mr. B. Thompson
Mr. Carver	Mr. McLean	Mr. J. E. Thompson
Mr. Clark	Mr. McNeal	Mr. A. Tuttle
Mr. Cornell	Mr. Maine	Mr. H. C. Tuthill
Mr. Crispell	Mr. Markel	Mr. Van Auken
Mr. Crittenden	Mr. Marsh	Mr. Van Orden
Mr. Cross	Mr. Mersereau	Mr. Vincent
Mr. Culbert	Mr. Miller	Mr. Wark
Mr. Danforth	Mr. Moffatt	Mr. Wells
Mr. Disosway	Mr. Mowry	Mr. Wheaton
Mr. Elderkin	Mr. Nash	Mr. White
Mr. Elwood	Mr. Pardee	Mr. Whittaker
Mr. Fish	Mr. Pease	Mr. Willard
Mr. Fiske	Mr. Pearley	Mr. Wilcox
Mr. Fitzhugh	Mr. Picket	Mr. Wing
Mr. Fox	Mr. Pierce	Mr. Wisewell
Mr. Gates	Mr. Porter	Mr. Woodruff
Mr. A. Gilbert	Mr. Prescott	Mr. Young
Mr. L. M. Gilbert		

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Noble	Mr. Stevens
Mr. Barber	Mr. St. John	Mr. Taylor
Mr. L. Butts	Mr. Smalley	Mr. Varnum

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*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Brewer, from said committee, reported progress on the resolution of Mr. Rose, and asked for and obtained leave to sit again.

And then, at ten minutes before two o'clock, p. m.,

On motion of Mr. Noble,

The House adjourned.

MONDAY, JANUARY 8, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Belknap.

The minutes of Saturday were read and approved.

Mr. Speaker announced the standing committees as follows:

*Privileges and Elections.*

Mr. Fish,  
Mr. Stewart,  
Mr. Terry,

Mr. Wilcox,  
Mr. Strever.

*Ways and Means.*

Mr. W. S. Smith,  
Mr. Bowen,  
Mr. Bellinger,

Mr. Sweet,  
Mr. M. Johnson.

*Judiciary.*

Mr. Bagley,  
Mr. Cornell,  
Mr. Sweet,  
Mr. Boughton,

Mr. Bailey,  
Mr. Noble,  
Mr. Elwood.

*Canals.*

Mr. Fitzhugh,  
Mr. B. Thompson,  
Mr. L. Ward Smith,

Mr. Glass,  
Mr. Quackenbos.

*Commerce and Navigation.*

Mr. Fiske,  
Mr. Picket,  
Mr. A. Gilbert,

Mr. Carver,  
Mr. Raynor.

*Railroads.*

Mr. Mowry,  
Mr. Varnum,  
Mr. White,

Mr. Boyce,  
Mr. Nash.

*Trade and Manufactures.*

Mr. Bowen,  
Mr. Rockwell,  
Mr. Wing,

Mr. Fox,  
Mr. Rounseville.

*Colleges, Academies and Common Schools.*

Mr. Pruyn,  
Mr. Beekman,  
Mr. Disosway,

Mr. A. Johnson,  
Mr. Button.

*Banks and Insurance Companies.*

Mr. Campbell,  
Mr. Kennedy,  
Mr. Pardee,

Mr. Disosway,  
Mr. Barber.

*Charitable and Religious Societies.*

Mr. Harmon,  
Mr. Stevenson,  
Mr. Graham,

Mr. Wells,  
Mr. Wheaton.

*Internal Affairs of Towns and Counties.*

Mr. Woodruff,	Mr. A. Robertson,
Mr. Hudson,	Mr. Kelsey,
Mr. St. John,	

*Incorporation of Cities and Villages.*

Mr. Cross,	Mr. Badd,
Mr. Van Orden,	Mr. Buxton,
Mr. Elwood,	

*Militia and Public Defence.*

Mr. Rose,	Mr. Markel,
Mr. Stryker,	Mr. Bogart,
Mr. Averill,	

*Erection and Division of Towns and Counties.*

Mr. Pardee,	Mr. Nash,
Mr. Hale,	Mr. Goddard,
Mr. Goff,	

*Claims.*

Mr. Hale,	Mr. Boardman,
Mr. McLean,	Mr. Fox,
Mr. Ward,	

*Grievances.*

Mr. L. Ward Smith,	Mr. Noble,
Mr. Perley,	Mr. Danforth,
Mr. Richards,	

*Petitions of Aliens.*

Mr. Bush,	Mr. Van Auken,
Mr. Whittaker,	Mr. Taylor,
Mr. Leavenworth,	

*State Prisons.*

Mr. Brewer,	Mr. Wisewell,
Mr. W. H. Robertson,	Mr. Elderkin,
Mr. Brinkerhoff,	

*Roads and Bridges.*

Mr. Averill,	Mr. Culbert,
Mr. Guernsey,	Mr. Wheaton,
Mr. McNeal,	

*Public Lands.*

Mr. Hammond,	Mr. Folger,
Mr. Woodruff,	Mr. B. Allen,
Mr. Hoyt,	

*Two-Thirds and Three-Fifths Bills.*

Mr. Graham,	Mr. Sexton,
Mr. W. S. Smith,	Mr. Clark,
Mr. H. J. Allen,	

*Medical Societies and Colleges.*

Mr. Wing,	Mr. Button,
Mr. Miller,	Mr. Hall.
Mr. Willard,	

*Manufacture of Salt.*

Mr. Slocum,	Mr. Marsh,
Mr. Bull,	Mr. Moffat.
Mr. Smalley,	

*Engrossed Bills.*

Mr. McKinney,	Mr. Hart,
Mr. Pease,	Mr. Green.
Mr. St. John,	

*Agriculture.*

Mr. Crispell,	Mr. Elderkin,
Mr. H. C. Tuthill,	Mr. Kidd.
Mr. Slocum,	

*Indian Affairs.*

Mr. Curtis,	Mr. Prescott,
Mr. Crittenden,	Mr. L. Butts.
Mr. Porter,	

*Public Printing.*

Mr. Mersereau,	Mr. Pierce,
Mr. Van Orden,	Mr. J. E. Thompson.
Mr. Stevens,	

*Expiring Laws.*

Mr. Dodge,	Mr. Tuttle,
Mr. Gove,	Mr. Gates.
Mr. W. Butts,	

*Expenditure of Executive Departments.*

Mr. Hudson,	Mr. Taylor,
Mr. Maine,	Mr. Danforth.
Mr. Young,	

*Expenditures of the House.*

Mr. Vincent,	Mr. Roblee,
Mr. Bull,	Mr. Cross.
Mr. L. M. Gilbert,	

*Joint Select Committee on Library.*

Mr. Beekman,	Mr. Fiske,
Mr. Pruyn,	Mr. Goddard.
Mr. Skeel,	

*Select Committee on so much of the Governor's Message as relates to Assessments, Taxes, and Sales of land for unpaid Taxes.*

Mr. L. Ward Smith,	Mr. Clark,
Mr. Brinckerhoff,	Mr. Maine.
Mr. Taylor,	



Mr. Pruyn presented the petition of the supervisors of the county of Albany, praying for a law making the office of district attorney in said county, a salary office, which was read and referred to the committee on the judiciary.

Mr. Pruyn presented the petition of the supervisors of the county of Albany, in favor of the passage of a law authorising the recorder of Albany to perform the duties of a judge of the supreme court at chambers, which was read and referred to the committee on the judiciary.

Mr. Pruyn presented a petition of the supervisors of Albany county, in relation to assessors in the city of Albany, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Pruyn presented a petition of the supervisors of the county of Albany, asking that the county of Albany may be exempted from the law of 1847, in relation to county superintendents of the poor, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Elwood presented the petition of Elizabeth Donaldson and others, for an appraisal of canal damages, which was read and referred to the committee on claims.

Mr. L. Ward Smith presented a petition of the company called the "Direct railway between Syracuse and Rochester," asking for an act declaring the public utility of a railroad between Syracuse and Rochester, on the most direct and eligible route, which was read and referred to the committee on railroads.

Mr. Pruyn presented the petition of the board of supervisors of the county of Albany, in relation to county canvassers, which was read and referred to the committee on privileges and elections.

Mr. Pruyn presented the petition of the board of supervisors of Albany county, relating to publication of election notices, which was read and referred to the committee on privileges and elections.

Mr. Bagley presented the petition of the Dexter, Brownville, and Pamela Plank Road Company, praying for a law authorizing them to erect a gate on that part of the road already finished, which was read and referred to the committee on roads and bridges.

Mr. Averill presented the petition of sundry inhabitants of Palatine, Montgomery co., for a repeal of an act in relation to a highway in said town, which was read and referred to the committee on roads and bridges.

Mr. Van Orden presented the memorial of the chamber of commerce of the city of New-York, relating to the fees of the health officer of said city, which was read and referred to the committee on commerce and navigation.

Mr. Goff presented the petition of Gardener T. Barker and 421 others, inhabitants of the town of Moriah, praying for an alteration of the line between the town of North Hudson and said town, which was read and referred to the committee on towns and counties.

The annual report of the Manhattan Company in relation to un-

claimed dividends and deposits, was received, which was read and referred to the committee on banks and insurance companies.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting them to transmit to the Senate the papers now in that House, relating to the petition of Cicero Collins and others.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting them to transmit to the Senate the papers on file in that House relating to a mortgage executed by Pellun Barker to the commissioners of loans in Chautauque county.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Boyce,

*Resolved*, That the petition and papers relative to the claim of Cole and Caulkins, for canal damages, be taken from the files of this house, and referred to the canal board.

On motion of Mr. L. Ward Smith,

The house proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, That the Comptroller be requested to report to this House, at what time it is estimated that the revenue of the sinking funds created by the constitution for the extinguishment of the canal, general fund, and contingent debt on state stocks loaned to incorporated companies, will extinguish those debts, and what portion of those debts will remain after applying thereon the whole of the accumulations in such sinking funds, at the time of the expiration of the charter of the Safety Fund Bank, having the longest time to run.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Noble offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the commissioners on practice and pleading appointed under the 59th chapter of the Session Laws of 1847, be, and they are hereby requested to report to this House, such amendments, if any, as they may have prepared, to the code of procedure, and such other provisions respecting the proceedings or practice of courts, as may be in readiness, at as early a day as practicable, that there may be an opportunity to investigate and act thereon this session.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Noble offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur) That the commissioners of the code appointed pursuant to chapter 59 of the Session Laws of 1847, be, and they are hereby requested to report to the Legislature what progress they have made in the discharge of the duties imposed on them by said act, and to submit therewith any code, or parts of a code, which they may have prepared, at as early a day as practicable, that there may be time, during a limited session, for examination and action thereon.

*Ordered*, That the said resolution be laid upon the table.

Mr. Campbell gave notice that he would at an early day ask leave to introduce a bill to provide for the incorporation of insurance companies.

Mr. Rose gave notice that he would at an early day, ask leave to introduce a bill to reduce and regulate the fare on the several railroads of this state.

Mr. Taylor gave notice that he would at an early day ask leave to bring in a bill for a mechanics' and laborers' lien law, and to abolish all laws now in existence on that subject.

Mr. Marsh gave notice that he would at some future day ask leave to introduce a bill to repeal so much of the code of procedure as prescribes the number of circuit courts and courts of oyer and terminer, to be held in the fifth judicial district, and to alter the times for holding such courts.

In pursuance of previous notice, Mr. Fish asked for and obtained leave to introduce a bill entitled "An act to amend the act entitled 'An act for the incorporation of villages,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Van Orden asked for and obtained leave to introduce a bill entitled "An act to make the offices of health officer and deputy Health officer of the port of New-York, salary offices," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on commerce and navigation.

On motion of Mr. Rose,

*Resolved*, That five times the usual number of the lists of the committees of this House be printed for the use of the members.

On motion of Mr. Culbert,

*Resolved*, that the committee on the division of towns and counties be discharged from the further consideration of the petition of certain inhabitants of the town of Oppenheim, for the annexation of a part of said town to the town of St. Johnsville, and that the same be referred to the committee on the judiciary, with instructions to examine and report whether in their opinion a portion of a town lying in one Assembly district, may constitutionally be set off and annexed to another town situate in another Assembly district in another county.

On motion of Mr. Pruyn,

*Resolved*, That the petition and papers relating to the claim of John V. S. Visscher be taken from the files of the House and referred to the committee on the militia and public defence.

Mr. B. Thompson gave notice that at an early day he would introduce a bill authorizing the clerk of the county of Erie, to appoint a special deputy to do all things in and about the courts in said county.

Mr. Bagley gave notice that he would at some future day ask leave to introduce a bill to authorize the several boards of supervisors of this state to appoint in each county some suitable persons to serve as foremen and clerk of grand juries.

On motion of Mr. St. John,

The House proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, That the superintendent of common schools be requested to transmit to this House, his opinion of the practicability of a law directing the distribution of the school monies of each town in this state among the several school districts, wherein the school house of such districts are situated, without regard to the territory of which a district may be composed; except in cases where a town or district may have a local school fund, and in cases where a town may vote an additional sum for school purposes beyond what the law now requires to be raised; and excepting also the cases where a district may be composed in part, of territory lying without the bounds of this state.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Fiske,

*Resolved*, That the papers relating to a road from Gravesend to Brooklyn, be taken from the files of this House, and referred to the standing committee on roads and bridges.

On motion of Mr. Wisewell,

*Resolved*, That the petition and papers relating to the claims of L. S. Ayres, for services as canal superintendent during the winter of 1847, be taken from the files of this House and referred to the committee on claims.

Mr. A. Johnson offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the superintendent of common schools be, and he hereby is requested to ascertain the amount of money paid during the past year to the town superintendents of common schools in the several counties of this state, and report the same to the Legislature as soon as may be practicable.

*Ordered*, That the said resolution be laid upon the table.

The House then resolved itself into a committee of the whole on the bill entitled "An act to incorporate the trustees of the Astor library," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Campbell from said committee reported that the committee had gone through said bill, and amended the 4th section so as to read as follows:

§ 4. All investments of the funds of the said corporation shall be made in bonds secured by mortgage of productive real estate, of at least twice the value of each investment, exclusive of the buildings thereon, which shall be first liens on the same, or in the public debt of the United States, or of the states of the Union, or of the city of New-York, or portions thereof in any of those modes, except that in the investment in said public debts preference shall be given according to the order in which they are herein above named.

The question being upon agreeing to the report of the committee of the whole;

Mr. Fiske moved to amend the fourth section by striking out in the second line the words "of at least twice the value of each investment exclusive of the buildings thereon, which shall be first liens on the same."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the affirmative.

{ AYES 55 }  
{ NAYS 47 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Fitzhugh	Mr. W. H. Robertson
Mr. Bagley	Mr. Fox	Mr. Rockwell
Mr. Barber	Mr. Gates	Mr. Sexton
Mr. Beekman	Mr. L. M. Gilbert	Mr. L. Ward Smith
Mr. Bogart	Mr. Hart	Mr. Speaker
Mr. Brinkerhoff	Mr. Hoyt	Mr. Stewart
Mr. Brewer	Mr. Hudson	Mr. Taylor
Mr. Bull	Mr. A. Johnson	Mr. Terry
Mr. Bush	Mr. Kelsey	Mr. A. Tuttle
Mr. Buxton	Mr. Kidd	Mr. H. C. Tuthill
Mr. Campbell	Mr. Leavenworth	Mr. Van Orden
Mr. Clark	Mr. McKinney	Mr. Varnum
Mr. Cornell	Mr. McLean	Mr. Ward
Mr. Crispell	Mr. McNeal	Mr. Wells
Mr. Crittenden	Mr. Mersereau	Mr. White
Mr. Culbert	Mr. Miller	Mr. Whittaker
Mr. Disosway	Mr. Moffatt	Mr. Wing
Mr. Elwood	Mr. Roblee	Mr. Wisewell
Mr. Fiske		

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Those who voted in the negative are,

Mr. B. Allen	Mr. Hale	Mr. Richards
Mr. Averill	Mr. Hall	Mr. Rose
Mr. Bellinger	Mr. Harmon	Mr. Rounseville
Mr. Boardman	Mr. M. Johnson	Mr. Slocum
Mr. Bowen	Mr. Maine	Mr. W. S. Smith
Mr. Boyce	Mr. Marsh	Mr. Stevens

Mr. Budd	Mr. Nash	Mr. Stevenson
Mr. L. Butts	Mr. Noble	Mr. Strever
Mr. W. Butts	Mr. Perley	Mr. Stryker
Mr. Carver	Mr. Picket	Mr. B. Thompson
Mr. Danforth	Mr. Pierce	Mr. J. E. Thompson
Mr. Elderkin	Mr. Porter	Mr. Vincent
Mr. Glass	Mr. Prescott	Mr. Wheaton
Mr. Goddard	Mr. Pruyn	Mr. Woodruff
Mr. Graham	Mr. Quackenboss	Mr. Young
Mr. Guernsey	Mr. Raynor	

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Mr. Perley moved to amend the report of the committee of the whole by inserting in the ninth line of the fourth subdivision of the second section, after the word "history" the word "mechanic."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Perley, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent,

The engrossed bill, entitled "An act to incorporate the trustees of the Astor library," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 123 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Quackenboss
Mr. H. J. Allen	Mr. Glass	Mr. Raynor
Mr. Averill	Mr. Goddard	Mr. Richards
Mr. Bagley	Mr. Goff	Mr. Roblee
Mr. Bailey	Mr. Gove	Mr. W. H. Robertson
Mr. Barber	Mr. Graham	Mr. Rockwell
Mr. Beekman	Mr. Green	Mr. Rose
Mr. Bellinger	Mr. Guernsey	Mr. Rounseville
Mr. Boardman	Mr. Hale	Mr. St. John
Mr. Bogart	Mr. Hall	Mr. Sexton
Mr. Boughton	Mr. Hammond	Mr. Skeel
Mr. Bowen	Mr. Harmon	Mr. Slocum
Mr. Boyce	Mr. Hart	Mr. Smalley
Mr. Brinkerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson

Mr. Button	Mr. Kennedy	Mr. Stewart
Mr. L. Butts	Mr. Kidd	Mr. Strever
Mr. W. Butts	Mr. Leavenworth	Mr. Stryker
Mr. Buxton	Mr. McKinney	Mr. Taylor
Mr. Campbell	Mr. McLean	Mr. Terry
Mr. Carver	Mr. McNeal	Mr. B. Thompson
Mr. Clark	Mr. Maine	Mr. J. E. Thompson
Mr. Cornell	Mr. Markel	Mr. A. Tattle
Mr. Crispell	Mr. Marsh	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Mersereau	Mr. Van Auken
Mr. Cross	Mr. Miller	Mr. Van Orden
Mr. Culbert	Mr. Moffatt	Mr. Varnum
Mr. Danforth	Mr. Mowry	Mr. Vincent
Mr. Disosway	Mr. Nash	Mr. Ward
Mr. Elderkin	Mr. Noble	Mr. Wells
Mr. Elwood	Mr. Pardee	Mr. Wheaton
Mr. Fish	Mr. Pease	Mr. White
Mr. Fiske	Mr. Perley	Mr. Whittaker
Mr. Fitzhugh	Mr. Picket	Mr. Willard
Mr. Folger	Mr. Pierce	Mr. Wing
Mr. Fox	Mr. Porter	Mr. Wisewell
Mr. Gates	Mr. Prescott	Mr. Woodruff
Mr. A. Gilbert	Mr. Prayn	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

And then at 1 o'clock p. m.,

On motion of Mr. White,

The House adjourned.

## TUESDAY, JANUARY 9, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Barry.

The minutes of yesterday were read and approved.

Mr. Stryker presented the memorial of J. Benkard of the city of Brooklyn, complaining of a ruinous assessment of his property in the opening of Flatbush avenue in said city, and asking the Legislature to pass a law remedying the above, and also asking for a law compelling the commissioners in all cases of assessment to give personal notice to the owner of lands thus assessed, which was read and referred to the committee on grievances.

Mr. Speaker presented the petition of the inhabitants of Rensselaer co., for an amendment of the mechanics' lien law, which was read and referred to the committee on trade and manufactures.

Mr. Pruyn presented the petition of John H. Hall for payment of

damages in consequence of a breach of contract on the part of the State, which was read and referred to the committee on grievances.

Mr. Crispell presented the petition of 109 inhabitants of Ulster co., praying for a law prohibiting fishing with nets and seines in the Bennewater or ponds lying in the town of Rosendale in said county which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Bowen presented the petition of Walter R. Jones and others, of New-York, praying for an act to incorporate the Life Saving Benevolent association, which was read and referred to the committee on commerce and navigation.

Mr. Averill presented the petition of 35 citizens of the town of Palatine, Montgomery co., for the repeal of an act in relation to a highway through said town, passed in 1847, which was read and referred to the committee on roads and bridges.

Mr. L. Ward Smith presented two petitions of the citizens of the counties of Chenango and Schenectady, for a law limiting the time of labor to ten hours per day, which was read and referred to a select committee on that subject.

Mr. Brinkerhoff and Mr. Tuthill presented two petitions of the citizens of Cayuga for a law declaring the public utility of a railroad from Auburn to Binghamton, which was read and referred to the committee on railroads.

Mr. J. E. Thompson presented the petition of the board of supervisor of Delaware county, praying for the passage of an act authorising them to convey certain real estate situated in that county to the First Presbyterian church in the town of Delhi, which was read and referred to the committee on the judiciary.

Mr. Hale presented the petition of the inhabitants of Hornellsville, in the county of Steuben, for a new county from parts of Steuben and Allegany, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Speaker presented the petition of the supervisors of Wayne county, asking a reduction of the number of superintendents of the poor in said county, which was read and referred to the committee on the internal affairs of towns and counties.

A communication was received from a committee of the Florence association, asking the use of the Assembly chamber in the following words:

*To the Hon. Amos K. Hadley, Speaker  
of the Assembly of the State of New-York:*

We, the association, ask for the use of the Assembly chamber on Monday night next, at half-past 6 o'clock, we shall probably want to occupy an hour and a half. The Rev. Samuel R. Ward, editor of the Northern Star and Colored Farmer, has been invited to speak on farming and education, as one of the great principles of the elevation of our race. This invitation is extended to members of the Assembly and the citizens in general. It is the first time that we have asked for the Assembly chamber since Gen. Davis was speaker.



Mr. Ward is a colored man, such an one as we feel proud of. We hope that our request will be granted.

Yours respectfully,

J. VAN DUSEN,  
WM. A. GRIFFIN,  
S. MYERS,

*Committee of the Florence Association.*

Mr. Wells moved that the request be granted

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wells, and it was determined in the affirmative.

{ AYES 79 }  
{ NAYS 36 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. St. John
Mr. Averill	Mr. Hall	Mr. Sexton
Mr. Bagley	Mr. Harmon	Mr. Smalley
Mr. Bailey	Mr. Hart	Mr. L. Ward Smith
Mr. Barber	Mr. Hudson	Mr. Speaker
Mr. Bellinger	Mr. A. Johnson	Mr. Stevens
Mr. Boughton	Mr. M. Johnson	Mr. Stevenson
Mr. Bowen	Mr. Kennedy	Mr. Stewart
Mr. Bull	Mr. Kidd	Mr. Strever
Mr. Bush	Mr. Leavenworth	Mr. Taylor
Mr. Button	Mr. McLean	Mr. B. Thompson
Mr. Buxton	Mr. Maine	Mr. J. E. Thompson
Mr. Clark	Mr. Markel	Mr. A. Tuttle
Mr. Crittenden	Mr. Marsh	Mr. H. C. Tuthill
Mr. Cross	Mr. Pardee	Mr. Van Auker
Mr. Culbert	Mr. Pease	Mr. Van Orden
Mr. Curtis	Mr. Perley	Mr. Varnum
Mr. Danforth	Mr. Picket	Mr. Vincent
Mr. Disosway	Mr. Prescott	Mr. Ward
Mr. Elderkin	Mr. Pruyn	Mr. Wells
Mr. Elwood	Mr. Richards	Mr. Wheaton
Mr. Fox	Mr. Roblee	Mr. Whittaker
Mr. L. M. Gilbert	Mr. A. Robertson	Mr. Willard
Mr. Glass	Mr. W. H. Robertson	Mr. Wilcox
Mr. Goddard	Mr. Rose	Mr. Woodruff
Mr. Goff	Mr. Rounseville	Mr. Young
Mr. Gove		

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Fiske	Mr. Noble
Mr. Beekman	Mr. Fitzhugh	Mr. Pierce
Mr. Boardman	Mr. Gates	Mr. Porter

Mr. Bogart	Mr. Graham	Mr. Quackenboss
Mr. Boyce	Mr. Green	Mr. Raynor
Mr. Brinkerhoff	Mr. Guernsey	Mr. Rockwell
Mr. L. Butts	Mr. Hammond	Mr. Skeel
Mr. W. Butts	Mr. Hoyt	Mr. Slocum
Mr. Campbell	Mr. Kelsey	Mr. W. S. Smith
Mr. Carver	Mr. McKinney	Mr. Terry
Mr. Cornell	Mr. Miller	Mr. White
Mr. Crispell	Mr. Moffatt	Mr. Wisewell

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A communication from the Auditor of the Canal Department, transmitting his annual report in relation to the expenditures on the canals for the fiscal year ending Sept. 30, 1848, was received and read in the words following, to wit:

CANAL DEPARTMENT, }  
Albany, Jan. 8, 1849. }

*To the Speaker of the Assembly.*

SIR:—I herewith transmit the annual report required by law from this department, showing the expenditures on the canals for the fiscal year ending on the 30th day of September last.

I have the honor to be very

respectfully your obedient servant,

FRANCIS H. RUGGLES, *Auditor.*

(See Doc. No. 30.)

*Ordered,* That the said report be referred to the committee on canals.

Mr. W. S. Smith offered the following resolution:

*Resolved,* That three times the usual number of the said report be printed for the use of the Legislature, and 250 copies for the use of the auditor of the Canal Department.

*Ordered,* That the said resolution be referred to the committee on public printing.

A communication was received from the commissioners appointed to codify the laws of this State, in the following words:

*To the Speaker of the Assembly.*

We have deemed the statutes in regard to highways, bridges and ferries of sufficient importance to be made the subject of a communication to the Legislature, independent of our report.

The communication is herewith enclosed.

Very respectfully your ob't serv'ts,

A. WORDEN,  
SETH C. HAWLEY.

*Albany, Jan. 8, 1849.*

(See Doc. No. 12.)

On motion of Mr. Fiske,

*Ordered,* That said communication be referred to the committee on roads and bridges.

On motion of Mr. W. S. Smith,

*Resolved*, That five times the usual number be printed for the use of the Legislature.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled, "An act to release the interest of the State in certain real estate of which Lewis Ciprien Mango, an alien, died possessed, to Margaret Ann Mango, his widow," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on petitions of aliens.

Mr. Rose offered for the consideration of the House the following resolution:

*Resolved*, (if the Senate concur,) That the joint rules of the Senate and Assembly which were in force at the last session of the Legislature, be adopted for the government of the two house during the present session.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. W. H. Robertson,

*Resolved*, That the petition and papers relating to the mode of working highways in the town of White Plains, be taken from the files of this House, and referred to the committee on roads and bridges.

On motion of Mr. Bailey,

*Resolved*, That "the petition of sundry inhabitants of Greene co., praying for a law to compel the Cairo bridge company to reduce their toll," be taken from the files of the last House and referred to the standing committee on roads and bridges.

On motion of Mr. Wells,

*Resolved*, That the Canal Board be requested to transmit to this House certain petitions of inhabitants of the counties of Saratoga and Warren, praying the discontinuance of collecting tolls on lumber &c. descending the Hudson river above Glens falls feeder-dam.

Mr. Culbert gave notice that he would at an early day ask leave to bring in a bill to legalize the assessment of taxes for highways in the town of Bleecker, in the county of Fulton.

Mr. Goff gave notice that he would, at an early day bring in a bill to confirm the official acts of the officers elected at the last annual town meeting held in the town of North Hudson, Essex co.

On motion of Mr. A. Johnson,

The House proceeded to the consideration of the resolution heretofore offered by him, in the following words, to wit:

*Resolved*, That the superintendent of common schools be and he hereby is requested to ascertain the amount of money paid during the past year to the town superintendents of common schools in the several counties of this State, and report the same to the Legislature as soon as may be practicable.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Willard gave notice that he would at some future day ask

leave to bring in a bill requiring the venders of patent medicines and nostrums to attach to the same a label printed in good plain English, giving the name of each and every ingredient of which such medicine or nostrum is composed, and the quantities thereof.

On motion of Mr. Boyce,

**Resolved,** That the petition and papers relative to the railroad from Syracuse to Rochester, be taken from the files of this House and referred to the committee on railroads.

On motion of Mr. Maine,

**Resolved,** That the memorial and papers on file in this House (for the year 1846,) in relation to the claims of Aaron Knapp, for land taken for the Leland Pond Reservoir, be taken from the said files and referred to the committee on claims.

On motion of Mr. Boyce,

**Resolved,** That a respectful message be sent to the honorable the Senate, with a request that they do transmit to the Assembly the petitions and papers on file with them in relation to a railroad from Syracuse to Rochester.

In pursuance of previous notice, Mr. Crispell asked for and obtained leave to introduce a bill, entitled "An act to change the place of meeting of the board of supervisors of the county of Ulster, and to amend the Revised Statutes in relation thereto;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Taylor asked for and obtained leave to introduce a bill, entitled "An act to incorporate the People's Bank for savings in the city of New-York;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice, Mr. Bush asked for and obtained leave to introduce a bill, entitled "An act to annex a part of the town of Rockland to the town of Liberty, in the county of Sullivan;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

In pursuance of previous notice, Mr. B. Thompson asked for and obtained leave to introduce a bill, entitled "An act to authorize the clerk of the county of Erie to appoint a special deputy;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Crispell asked for and obtained leave to introduce a bill, entitled "An act to amend the laws relating to the equalization of assessments and the correction of assessment rolls;" which was read the first time, and by unanimous consent was also read the second time, and referred to the select committee on that subject.

On motion of Mr. Pruyn,

The House proceeded to the consideration of the resolution here-

tofore offered by him, directing the Comptroller to cause to be printed and published a list of lands heretofore sold for taxes.

Mr. Pruyn moved to amend the said resolution so as to read as follows:

*Resolved*, That the Comptroller cause to be printed for the use of the Legislature, a statement of all the sales of land for taxes under and by virtue of the several acts for the assessment and collection of taxes, (not heretofore reported) prior to the sale of 1848, describing the lot and number of acres sold, and the name of the purchaser or purchasers; also the name of the person to whom conveyed by the Comptroller; and that when printed, the Comptroller cause the same to be bound, and furnish each state officer, member and officer of the Legislature with a copy of the same, also each county, city and townclerk with a copy thereof, to be deposited and preserved in their respective offices, and that in addition to the number of copies necessary to supply the above officers, the Comptroller cause three hundred copies to be printed and bound for the use of his office.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

*Ordered*, That the communication of the Comptroller on the same subject be referred to the committee on ways and means.

Leave of absence was granted to Mr. Mowry for five days.

Mr. L. Ward Smith gave notice that he would, at some early day, ask leave to introduce a bill to declare the public utility of a railroad, on the most direct and eligible route, from Syracuse to Buffalo.

Mr. Beekman gave notice that he would, at an early day, ask leave to bring in a bill in relation to commissioners of deeds and public notaries in the city of New-York.

Mr. Thompson gave notice that he would, at an early day, bring in a bill to amend the act incorporating the Attica and Hornellsville Railroad Company.

On motion of Mr. Noble,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the Commissioners on Practice and pleading, appointed under the 59th chapter of the Session Laws of 1847, be and they are hereby requested to report to this House such amendments, if any, as they may have prepared to the code of procedure, and such other provisions respecting the proceedings or practice of courts, as may be in readiness, at as early a day as practicable, that there may be an opportunity to investigate and act thereon this session.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Noble,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit :

*Resolved*, (if the Senate concur,) That the Commissioners of the Code, appointed pursuant to chapter 59 of Session Laws of 1847, be and they are hereby requested to report to the Legislature what progress they have made in the discharge of the duties imposed on them by said act, and to submit therewith any code or parts of a code, which they may have prepared, at as early a day as practicable, that there may be time during a limited session, for examination and action thereon.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

And then, at twelve o'clock m.,

On motion of Mr. Cross,  
The House adjourned.

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### WEDNESDAY, JANUARY 10, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hall.

The minutes of yesterday were read and approved.

Mr. Pruyn presented the petition of David Tomlinson, of Schenectady, praying for relief from payment of certain taxes levied by virtue of a law passed in 1846, which was read, and referred to the committee on the judiciary.

Mr. Willard presented the petition of certain inhabitants of the county of Allegany, praying for a law to authorize the superintendents of the poor in that county to take the oath of office, which was read, and referred to the committee on the judiciary.

Mr. L. Ward Smith presented the petition of J. W. Dwinelle, praying for a certain amendment of the code of procedure, with draft of an act therefor, which was read, and referred to the committee on the judiciary.

Mr. Crispell presented two several petitions of sundry citizens of Saugerties, praying for an amendment to the Saugerties and Woodstock turnpike act, which was read, and referred to the committee on roads and bridges.

Mr. L. Ward Smith presented the petition of sundry inhabitants of Newark, praying the passage of a ten hour law, which was read, and referred to the select committee on that subject.

Mr. Fish presented the petition of 520 citizens of Glen, Montgomery county, praying for an act establishing free schools, which was read, and referred to the committee on colleges, academies, and common schools.

Mr. McNeal presented the petition of sundry inhabitants of the

county of Erie, praying for a law to make the clerk's office of said county, a salary office, which was read, and referred to the committee on the judiciary.

Mr. Averill presented the petition of 30 citizens of the town of Palatine, Montgomery co., praying for the repeal of an act in relation to a highway through said town, passed 1847, which was read, and referred to the committee on roads and bridges.

Mr. Beekman presented the petition of the Washington Monument Association of the city of New-York, praying for an amendment of their charter.

On motion of Mr. Beekman,

*Ordered*, That the said petition be referred to a select committee.

*Ordered*, That Mr. Beekman, Mr. Bull, Mr. Rockwell, Mr. Quackenboss, and Mr. Greene be such committee.

Mr. Slocum presented the petition of Thomas Wheeler, praying that a petition presented by him to the last Legislature, may be taken from the files and referred to the committee on the manufacture of salt.

Mr. Speaker put the question whether the House would agree to the request of the said petition, and it was determined in the affirmative.

Mr. Fish, from the committee on privileges and elections, to which was referred the resolution of the board of supervisors of Albany county, relative to the publication of election notices and the correction of election returns, reported in favor of the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Fish accordingly brought in the said bill entitled "An act giving boards of county canvassers of this state additional powers in the correction of election returns, and to limit the publication of election notices," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Campbell from the committee on banks and insurance companies, to which was referred the bill entitled "An act in relation to the Firemens' Insurance Company of the city of Albany," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of Saratoga and Warren counties, for a law to make the toll bridge at Jessups Falls a public highway, reported in favor of the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Averill accordingly brought in a bill entitled "An act to authorize the purchase of the toll bridge at Jessups Little Falls, and to make the same a public highway," which was read the first time, and by unanimous consent was also read the second time, and referred to a committee of the whole.

Mr. Mersereau, from the committee on public printing, to which

was referred the motion to print an extra number of copies of the annual report of the Auditor of the canal department on the expenditures on the canals, reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That three times the usual number of copies of the said report be printed for the use of the Legislature, and 250 copies for the Auditor's department.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The annual report of the Merchants' Exchange Bank of the city of New-York, in relation to unclaimed dividends and deposits was received, and referred to the committee on banks and insurance companies.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be sent to the Assembly, asking that the petitions and papers of Oliver Barker now on file in that House, be transmitted to the Senate.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, (if the Assembly concur) That the joint rules of the Senate and Assembly which were in force at the late session of the Legislature, be adopted for the government of the two Houses during the present session.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was decided in the affirmative.

On motion of Mr. Fiske,

*Resolved*, That the petition and papers of George Tibbitts, praying the payment of canal damages, be taken from the files of the last House and referred to the committee on claims.

On motion of Mr. Rockwell,

*Resolved*, That a respectful message be transmitted to the Hon. the Senate, requesting that body to transmit to this house papers on file relative to the claims of N. B. Doe.

On motion of Mr. A. Robertson,

*Resolved*, That the petition, bill, and other papers in relation to Matthew S. Pitcher's claim for damages done by the Champlain canal, be taken from the files of this House and referred to the committee on claims.

Mr. Pruyn gave notice that he would at an early day ask leave to bring in a bill to authorize the enlargement of the opening in the Albany pier, opposite Maiden Lane, in the city of Albany.

Mr. Pruyn gave notice that he would, at an early day, ask leave to bring in a bill declaratory of the time of maturity of drafts and bills, drawn payable at sight or on demand.

On motion of Mr. Kennedy,

*Resolved*, That the clerk of this House be directed to take from the files, the map accompanying the petition of Jemima Rexford and



others, for the bed of the old canal at Rexfords Flats, and return it to the petitioners.

On motion of Mr. Pruyn,

*Resolved*, That a respectful message be sent to the Sena'e, with the request th t they transmit to this House the papers on file in the Senate, relative to the claim of James Brady for the payment of costs and witness fees for defending suits brought against him while superintendent of the canal, and that the same when received, be referred to the committee on canals.

Mr. Brewer gave notice of his intention to ask leave to introduce a bill to amend chapter one, of title seven, of the act entitled "An act to simplify and abridge the practice, pleadings, and proceedings of the courts of this state," passed April 12, 1848.

Mr. A. Johnson gave notice that he would ask leave to introduce a bill to provide for the trial of issues of fact, joined in suits pending in county courts, prior to the first day of July, 1848.

Mr. Boughton gave notice of his intention at an early day to ask leave to bring in bills authorizing the Williamsburgh and Jamaica Turnpike Road and Bridge Company, to cede a portion of their turnpike road to the trustees of the village of Williamsburgh, and to authorize said trustees to regulate, grade, and pave the same as a street of said village.

On motion of Mr. Fish,

*Resolved*, That the petition and papers in relation to the claim of Grant, Turner & Ryan, be taken from the files of this House, and referred to the committee on claims.

On motion of Mr. Noble,

*Resolved*, That there be a committee of five appointed by the Speaker, on the subject of the use of the Assembly Chamber, to whom applications for the use thereof, for purposes other than the business of this house may be referred, to the end that such purposes may be more fully ascertained upon such applications.

*Ordered*, That Mr. Noble, Mr. B. Thompson, Mr. Fiske, Mr. Slocum, and Mr. A. Johnson, be said committee.

On motion of Mr. Willard,

*Resolved*, That the petitions, (if any) and all papers, bills, or otherwise on file in the House, in relation to the labeling of patent medicines and nostrums be taken therefrom, and referred to the committee on medical societies and colleges.

On motion of Mr. Brewer.

*Resolved*, That the Clerk of this House procure 25 additional copies of the session laws of 1848, for the use of the members of this House, and pay for the same out of the contingent fund of this House

Mr. Marsh gave notice that he would at some future day ask leave to introduce a bill to amend so much of the eighth title of chapter eight of the third part of the Revised Statutes as relates to the appointment of referees in proceedings against ships and vessels for the collection of debts.

Mr. Fish gave notice that on some future day he would ask leave

introduce a bill to repeal the act entitled; "An act providing the registry of births, marriages and deaths," passed April 28, 47.

Mr. Pardee gave notice that he would at an early day ask leave to introduce a bill giving the boards of supervisors power to erect and divide towns in the several counties.

In pursuance of previous notice, Mr. Wells asked for and obtained leave to introduce a bill entitled "An act to authorise the canal commissioners to construct a towing path from the guard lock at Mens falls feeder-dam, to the rapids above, and for other purposes," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on canals.

In pursuance of previous notice, Mr. Glass asked for and obtained leave to introduce a bill, entitled "An act to equalize assessments and to provide for the taxation of mortgages," which was read the first time, and by unanimous consent was also read a second time, and referred to a select committee on that subject.

On motion of Mr. W. S. Smith,  
*Resolved*, That the Clerk pay out of the contingent fund of this house, to Daniel B. Davis, Sergeant, and Benjamin D. Quigg, Assistant Seargeant in the year 1847, such sum as the Speaker shall certify to be due them respectively for services rendered by them, and which has not been paid.

In pursuance of previous notice, Mr. B. Thompson asked for and obtained leave to bring in a bill, entitled "An act to amend the charter of the Attica and Hornellsville railroad company," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Goff asked for and obtained leave to bring in a bill, entitled "An act to confirm the official acts of the officers of the town of North Hudson, in the county of Essex," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. White asked for and obtained leave to bring in a bill, entitled "An act to repeal the act entitled, 'An act in relation to certain trusts,' for the benefit of the united Society called Shakers, passed April 15, 1839," which was read the first time, and by unanimous consent was also read a second time,

On motion of Mr. White,  
*Ordered*, That said bill be referred to a select committee.  
*Ordered*, That Mr. White, Mr. W. S. Smith, Mr. Stryker, Mr. Cross and Mr. Taylor be said committee.

In pursuance of previous notice, Mr. Campbell asked for and obtained leave to bring in a bill, entitled "An act prohibiting the contracts in the Mount Pleasant State prison, from being employed in the cutting and manufacturing of stone," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on State prisons.

The House then resolved itself into a committee of the whole on the bill entitled, "An act in relation to the Fireman's Insurance

company of the city of Albany," and after some time spent thereon Mr. Speaker resumed the chair, and Mr. W. S. Smith from said committee, reported the bill to the House, with the title amended to read, "An act to provide for filling up the stock of the Fireman's Insurance company of the city of Albany, and to reduce the number of its directors," which he was directed to report to the House; and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent,

The engrossed bill, entitled "An act to provide for filling up the stock of the Fireman's Insurance company of the city of Albany, and reduce the number of its directors," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 114 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Quackenboss
Mr. H. J. Allen	Mr. Glass	Mr. Raynor
Mr. Averill	Mr. Goddard	Mr. Richards
Mr. Bagley	Mr. Goff	Mr. Roblee
Mr. Bailey	Mr. Green	Mr. A. Robertson
Mr. Barber	Mr. Guernsey	Mr. W. H. Robertson
Mr. Beekman	Mr. Hale	Mr. Rockwell
Mr. Bellinger	Mr. Hall	Mr. Rounseville
Mr. Boardman	Mr. Hammond	Mr. St. John
Mr. Bogart	Mr. Harmon	Mr. Sexton
Mr. Boughton	Mr. Hart	Mr. Skeel
Mr. Boyce	Mr. Hoyt	Mr. Slocum
Mr. Brinkerhoff	Mr. Hudson	Mr. Smalley
Mr. Brewer	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Budd	Mr. Kelsey	Mr. W. S. Smith
Mr. Bull	Mr. Kennedy	Mr. Stevens
Mr. Bush	Mr. Kidd	Mr. Stevenson
Mr. Bution	Mr. Leavenworth	Mr. Stewart
Mr. L. Butts	Mr. McKinney	Mr. Strever
Mr. W. Butts	Mr. McLean	Mr. Stryker
Mr. Buxton	Mr. McNeal	Mr. Taylor
Mr. Campbell	Mr. Maine	Mr. Terry
Mr. Carver	Mr. Markel	Mr. B. Thompson
Mr. Crispell	Mr. Marsh	Mr. J. E. Thompson
Mr. Crittenden	Mr. Mersereau	Mr. A. Tuttle
Mr. Cross	Mr. Miller	Mr. H. C. Tuthill
Mr. Culbert	Mr. Moffatt	Mr. Van Auken
Mr. Curtis	Mr. Mowry	Mr. Varnum

Mr. Danforth	Mr. Nash	Mr. Ward	
Mr. Disosway	Mr. Noble	Mr. Wells	
Mr. Elderkin	Mr. Pardee	Mr. White	
Mr. Elwood	Mr. Pease	Mr. Whittaker	
Mr. Fish	Mr. Perley	Mr. Willard	
Mr. Fiske	Mr. Picket	Mr. Wilcox	
Mr. Fitzhugh	Mr. Pierce	Mr. Wing	
Mr. Fox	Mr. Porter	Mr. Wisewell	
Mr. Gates	Mr. Prescott	Mr. Woodruff	
Mr. A. Gilbert	Mr. Pruyn	Mr. Young	114

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

And then at twelve o'clock, m.,

On motion of Mr. Fiske,

The House adjourned.

## THURSDAY, JANUARY 11, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Barry.

The minutes of yesterday were read and approved.

Mr. Raynor presented the petition of sundry citizens of the county of Erie, praying for a law making the office of county clerk of that county a salary office, the compensation to be fixed by the board of supervisors, and that all fees and emoluments accruing to said office, over and above the salary so fixed and necessary expenses, be paid into the treasury for the benefit of the county, which was read and referred to the committee on the judiciary.

Mr. Danforth presented the petition of Isabella Gilchrist, praying for a law divorcing her from her husband, or that she may be empowered to convey real estate and to sue and be sued, same as an unmarried person, which was read and referred to the committee on the judiciary.

Mr. Gove presented the petition of Henry G. Button, praying for a law to confirm his official acts as a justice of the peace, which was read and referred to the committee on the judiciary.

Mr. Gove presented the petition of Gabriel Barr, praying that the petition of H. G. Button may not be granted except on certain conditions, which was read and referred to the committee on the judiciary.

Mr. Graham presented the petition of 180 inhabitants of the town of Rosendale, in Ulster county, praying for the opening of a certain road in said town, which was read and referred to the committee on roads and bridges.

Mr. Brewer presented the petition of Lewis M. Rutherford of the city of New-York, praying for a law to enable him to convey cer-

tain real estate, and to renew certain leases in that city, which was read and referred to the committee on the judiciary.

Mr. W. S. Smith, from the committee on ways and means, brought in a bill entitled "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter two hundred and fourteen of the laws of 1842;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. W. S. Smith, from the committee on ways and means, to which was referred the report of the Comptroller in relation to the publication of a list of lands sold for taxes, reported in favor, and asked leave to bring in a bill.

Leave being granted, Mr. W. S. Smith accordingly brought in the said bill, entitled "An act to authorise the Comptroller to employ additional clerks for certain purposes, and making an appropriation for their payment;" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole house.

Mr. W. S. Smith, from the committee on ways and means, to which was referred the petition of the trustees of the St. Lawrence Academy, praying for relief from the payment of a bond and mortgage to the state, reported and asked to be discharged from the further consideration of said petition and that the same be referred to the committee on colleges, academies and common schools.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Cross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorize the trustees of the village of Williamsburgh to raise money by tax to pay certain debts," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Cross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the act entitled 'An act for the incorporation of villages,'" reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Campbell, from the committee on banks and insurance companies, to which was referred the petition of the Albany Insurance Company, praying for a reduction of capital and extension of charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Campbell accordingly brought in the said bill, entitled "An act to reduce the capital stock of the Albany Insurance Company;" which was read the first time, and by unani-

nous consent was also read the second time, and committed to the committee of the whole house.

Mr. Averill from the committee on roads and bridges to which was referred the petition of the Dexter, Brownville and Pamela Plank Road Company, praying for a law authorizing them to erect a gate on that part of the road already finished, reported in favor of the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Averill accordingly brought in the said bill entitled "An act to authorize the Dexter, Brownville and Pamela Plank Road Company to erect a toll gate on that part of their road now finished;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of Phineas Hutchins, one of the superintendents of the poor of the county of Onondaga, praying for a law to enable him to take the oath of office, reported in favor of the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Bagley accordingly brought in the said bill entitled "An act to authorize Phineas Hutchins to take the oath of office, and discharge the duties of superintendent of the poor of Onondaga county;" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole house.

Mr. Bagley, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the official acts of John H. Cameron, a justice of the peace," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole.

Mr. Bagley, from the committee on the judiciary, to which was referred the bill entitled "An act to authorize the clerk of the county of Erie to appoint a special deputy," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Harmon, from the committee on charitable and religious societies, to which was referred the petition of sundry inhabitants of Niagara county, praying for a law to confirm in the trustees and their successors in office of the first Baptist church, in the town of Newfane, the title to certain lands, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Harmon accordingly brought in said bill, entitled "An act to confirm the title of the trustees of the first Baptist church and society of Newfane to certain lands;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

A communication from the superintendent of common schools in

answer to a resolution of the House, asking his opinion in relation to the distribution of the school monies, was received and referred to the committee on colleges, academies, and common schools.

(See Doc. No. 14.)

A communication from the comptroller in answer to a resolution of this House, in relation to the extinguishment of the canal general fund, and contingent fund debts, was received and referred to the committee on ways and means.

(See Doc. No. 13.)

A communication from the Canal Board in answer to a resolution from this House, transmitting the petition of sundry inhabitants of Warren county, praying for relief from tolls on sawed and other lumber rafted down the Hudson river, above the Glens' Fall feeder, was received.

*Ordered*, That the said petition be referred to the committee on canals.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to provide for the construction of a bridge across the Cattaraugus Creek, at Upper Irving," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

"An act for the relief of the devisees of John Ballantine, an alien, deceased, late of the county of St. Lawrence, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

"An act for the relief of the devisees of Henry McCullough, deceased, an alien, late of the county of St. Lawrence," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the petitions of aliens.

Mr. Woodruff gave notice that he would at an early day ask leave to introduce a bill fixing the mileage of members of boards of supervisors.

Mr. Fox gave notice that he would at early day ask leave to bring in a bill to amend the charter of the village of Pulaski, Oswego county.

Mr. Carver gave notice that he would make a motion for leave to bring in a bill at an early day, appointing a commissioner whose duty it shall be to administer oaths to, and take affidavits of the officers of the Clinton prison.

Mr. Cross gave notice that he would at some future day, ask leave to bring in a bill entitled "An act to amend an act entitled 'An act to provide for the election of county treasurers, and fix their term of office.'"

On motion of Mr. Noble,

*Resolved*, That the petition and papers of Eli Hinman and others, be taken from the files of the House, and referred to the committee on public lands.

In pursuance of previous notice, Mr. Willard asked for and obtained leave to bring in a bill entitled "An act to erect the town of Shongo from the towns of Independence and Scio, in the county of Allegany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the erection and division of towns and counties.

In pursuance of previous notice, Mr. Woodruff asked for and obtained leave to bring in a bill entitled "An act to extend the time for county superintendents of the poor, elected in November 1848, to execute and file their official bond, and to take the oath of office," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. A. Johnson asked for and obtained leave to introduce a bill entitled "An act providing for the trial of issues of fact joined in suits pending in county courts prior to the first day of July, 1848;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Leave of absence was granted to Mr. Rose for ten days.

Mr. A. Campbell offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Commissioners of the Canal Fund be requested to report to this House whether in their opinion the interests of the state would be prejudiced by a law prohibiting their keeping on deposit in any bank in this state an amount of the public moneys of the state, exceeding one-third of the capital of such bank.

*Ordered*, That the said resolution be laid upon the table.

Mr. W. S. Smith gave notice that he would ask leave to bring in a bill to amend an act entitled "An act to establish free schools in district No. 5, in the town of Flushing."

Mr. Barber gave notice that at some future day he would ask leave to introduce a bill to regulate the putting up and sale of keg oysters.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorize the purchase of the toll bridge at Jessups little falls, and make the same a public highway," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pruyn from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which he was directed to report to the House; and he read the report in his place, and delivered the same in at the table, where it was again read and agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act giving boards of county canvassers of this state, additional powers in the correction of election returns, and to limit the publication of election notices," after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Brewer from said committee reported progress, and asked for and obtained leave to sit again.



A communication from a committee of the members of the bar of the county of Albany, was received and read in the words following, to wit:

Hon. A. K. HADLEY,

*Speaker of the Assembly.*

SIR:—The undersigned on behalf of the committee of the Albany bar respectfully requests the use of the Assembly Chamber on Monday evening next, for the delivery of a discourse by the Hon. D. D. Barnard, on the life and character of Ambrose Spencer, late chief justice of this state.

SAMUEL STEVENS,

*Chairman of the committee.*

*Ordered,* That the said communication be referred to the select committee on that subject.

And then at 12 o'clock, m.,

On motion of Mr. Buxton,  
The House adjourned.

FRIDAY, JANUARY 12, 1849.

The house met pursuant to adjournment.

Prayer by the Rev. Mr. Hall.

The minutes of yesterday were read and approved.

Mr. Pruyn presented the petition of John Strong and others, of the county of Schenectady, for an act authorising the canal appraisers to award compensation for damages sustained by the overflowing of the Mohawk, in consequence of the construction of the Erie canal, which was read and referred to the committee on canals.

Mr. Hale presented the petition of 94 inhabitants of the town of Hornellsville, in the county of Steuben, praying for a new county from parts of Steuben and Allegany, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Boardman presented the petition of 75 inhabitants of the towns of Hume and Granger, in the county of Allegany, asking for a law authorising the building a bridge across the Genesee river, at or near the present ford near the residence of Holland Garry in said county, which was read and referred to the committee on roads and bridges.

Mr. Woodruff presented the petition of the trustees of the Genesee Wesleyan Seminary at Lima, in Livingston county, praying for an act to incorporate that institution as a college, under the title of "The Genesee University," which was read and referred to the committee on colleges, academies and common schools.

Mr. Culbert presented the petition of 81 citizens of Ephratah, Fulton co., praying for a law to authorise the Fultonville and Johns-

town Plank Road company, to bridge the Mohawk, which was read and referred to the committee on roads and bridges.

Mr. Fish presented two petitions of the citizens of Montgomery co., praying for a law to authorise the Fultonville and Johnstown Plank Road company to bridge the Mohawk, which was read and referred to the committee on roads and bridges.

Mr. Averill presented the petition of 118 citizens of Palatine, Montgomery county, for the repeal of an act in relation to a highway through said town, passed in 1847, which was read and referred to the committee on roads and bridges.

Mr. Brewer presented the petition of the president and directors of the western branch of the Schoharie turnpike road, to abandon the westerly portion of said road, which was read and referred to the committee on roads and bridges.

Mr. Bush from the committee on the petitions of aliens, to which was referred the engrossed bill from the Senate, entitled "An act to release the interest of the State in certain real estate of which Lewis Ciprien Mango, an alien died possessed, to Margaret Ann Mango, his widow," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Bush from the committee on the petitions of aliens, to which was referred the petition of Alexander Fisher and Thomas Elliot for a law to authorise them to take, hold and convey real estate, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution, in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hale from the committee on claims, to which was referred the petition of James H. Hooker, for compensation for damages, occasioned by the sinking of his canal boat through the carelessness of State officers, reported favorably to the prayer of the petitioner, and asked leave to bring in a bill.

(See Doc. No. 16.)

Leave being granted, Mr. Hale accordingly brought in the said bill, entitled "An act authorising the canal board to hear and determine the claim of James H. Hooker, for losses sustained by the sinking of his boat in the Erie canal," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Averill from the committee on roads and bridges, to which was referred the engrossed bill from the Senate, entitled "An act to provide for the construction of a bridge across the Cattaraugus creek, at Upper Irving," reported that the committee had examined said

bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred the petition of John Germond and Nathan Smith, trustees of school district No. 14, in the town of Milan and Pine Plains, Dutchess county, for a law to levy a tax on said district to pay expenses of petitioners as trustees, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pruyn accordingly brought in the said bill, entitled "An act to levy a tax upon school district No. 14, in the towns of Milan and Pine Plains, to reimburse certain moneys to John Germond, David Hicks and Nathan Smith;" which was read the first time and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred the petition of the Young Men's Association of the city of Buffalo, for an act authorising them to issue stock for the purpose of raising money for the erection of buildings, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pruyn accordingly brought in said bill, entitled "An act to authorise the Young Men's Association of the city of Buffalo to borrow money for the erection of a building;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Ward from the committee on claims, to which was referred the petition of Isaac Satterly, praying for the lands due the heirs of Henry Satterly, a soldier of the Revolutionary war, reported favorably to the prayer of the petitioner and asked leave to bring in a bill.

(See Doc. No. 15.)

Leave being granted, Mr. Ward accordingly brought in the said bill, entitled "An act to pay Isaac Satterly for bounty lands due Henry Satterly, for services in the revolutionary war;" which was read first time, and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Taylor from the committee on the petitions of aliens, to which was referred the petition of Henry Ely, an alien, for a law authorising him to hold and convey real estate, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Averill from the committee on roads and bridges, to which was referred the petition of inhabitants of Madison, Cortland and Chenango counties, for a repeal of the charter of the Fourth Great Western turnpike company, reported and asked to be discharged from the further consideration of said petition.

Mr. Speaker put the question whether the House would agree to the said report and it was determined in the affirmative.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bill, entitled "An act to authorise the purchase of the toll bridge at Jessup's little falls, and make the same a public highway," and found the same correctly engrossed

*Ordered*, That the said bill be read a third time.

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the petition of inhabitants of the town of Sheldon, for a law to annex a part of said town to the town of Orangeville, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Pardee accordingly brought in the said bill, entitled "An act to annex a part of the town of Sheldon to the town of Orangeville;" which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Slocum from the select committee of the Onondaga county delegation, to which was referred the bill, entitled "An act in relation to county superintendents of the poor elected at the annual election in 1848, and to confirm their official acts;" reported and asked to be discharged from the further consideration of the said bill, and that the same be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said report, which was determined in the affirmative.

Mr. Beekman, from the select committee, to which was referred the petition of the Washington Monument Association of the city of New-York, praying for an amendment of their charter, reported favorably to the prayer of the petitioners, and asked leave to bring in a bill.

Leave being granted, Mr. Beekman accordingly brought in said bill, entitled "An act to amend the charter of the Washington Monument Association of the city of New-York;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Noble, from the select committee, to which was referred the request of a committee of the bar of the county of Albany, for the use of the Assembly Chamber on Monday evening next, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the use of the Assembly Chamber be proffered to the members of the bar of the city and county of Albany on Tuesday evening next, to hear an address from the Hon. D. D. Barnard, on the life and character of the late Chief Justice Spencer.

Mr. Noble moved that said resolution be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Noble, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A communication from B. P. Johnson, corresponding secretary of the executive committee of the N. Y. State Agricultural Society, requesting the use of the Assembly Chamber for the annual meeting of the Society to be held on Wednesday the 17th inst., and on Wednesday and Thursday evenings, also enclosing an invitation to the members of the Legislature to attend the meeting of the society, was received and read.

*Ordered*, That the request for the Assembly Chamber be referred to the select committee on that subject.

Mr. W. S. Smith moved that the invitation be accepted.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the affirmative.

A communication was received from the superintendent of the Onondaga Salt Springs, transmitting his annual report in the words following, to wit:

SUPERINTENDENT'S OFFICE, {  
Syracuse, Jan. 10, 1849. }

TO THE HON. AMOS K. HADLEY,  
*Speaker of the Assembly.*

I herewith transmit the annual report of the superintendent of the Onondaga Salt Springs.

Very respectfully your ob't. serv't.,  
ROBERT GEER,  
*Superintendent.*

(See Doc. No. 19.)

*Ordered*, That the said report be referred to the committee on the manufacture of salt.

Mr. Slocum moved that five times the usual number be printed for the use of the Legislature, and 250 copies for the superintendent.

*Ordered*, That the said motion be referred to the committee on public printing.

The annual report of the Leather Manufacturer's Bank, in relation to unclaimed dividends and deposits, was received and referred to the committee on banks and insurance companies.

The report of the Merchant's Bank of the city of New-York, in relation to unclaimed dividends and deposits, was received and referred to the committee on banks and insurance companies.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to authorize the election of a supervisor in each ward in the city of Utica;" which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend an act, entitled 'An act to provide for the construction of a railroad from Genesee to the Genesee Valley canal;'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

"An act for the settlement of the claims of Henry D. Boughton against the bank of Lyons;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

"An act to amend an act, entitled 'An act to incorporate the American Baptist Home mission Society,' passed April 12, 1843;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the resolution therewith delivered, in the words following, to wit:

*Resolved*, (if the Assembly concur,) That the Secretary of State be and is hereby requested to procure and report an accurate catalogue of the books belonging to the state, designating the various localities in which the books are now kept, and which are included in the library of the court of chancery and chancellor's library, also all books belonging to the libraries of the late vice chancellors which are public property, and such books if any, as were the library of the late supreme court and in the possession of the judges thereof; and that he request of and from the late vice chancellors severally, and the clerks of their respective districts, a report and account of the funds in their hands from which books were purchased for their libraries, with a statement from what source or sources that fund was derived, its amount and how invested or disposed of, and that a report of his proceedings with a catalogue of books collected, be transmitted to the Legislature at as early a day as practicable.

*Ordered*, That the said resolution be laid upon the table.

The Senate returned the engrossed bill entitled "An act to incorporate the trustees of the Astor library," with the message informing that they have passed the same with the following amendments: add after the word "fund" in second line of the fourth section the words "in paying the value of the site of the buildings and," and by adding the following new sections, to wit:

§ 9. The said trustees shall in the month of January in every year, make a report to the Legislature for the year ending on the thirty-first day of December preceding, of the condition of the said library, of the funds and other property of the corporation, and of its receipts and expenditures during such year.

§ 10. If any debts of the said corporation lawfully contracted, shall not be paid out of its funds when due, the trustees shall be individually liable for such funds to the creditors in such cases and to such extent as they would be if not incorporated.

Mr. Cornell moved that the House do concur in the said amendment.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

{ AYES 120 }  
{ NAYS 00 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Richards
Mr. Averill	Mr. Glass	Mr. Roblee
Mr. Bagley	Mr. Goddard	Mr. A. Robertson
Mr. Bailey	Mr. Goff	Mr. W. H. Robertson
Mr. Barber	Mr. Graham	Mr. Rockwell
Mr. Beekman	Mr. Green	Mr. Roundeville
Mr. Bellinger	Mr. Guernsey	Mr. St. John
Mr. Boardman	Mr. Hale	Mr. Sexton
Mr. Bogart	Mr. Hall	Mr. Skeel
Mr. Boughton	Mr. Hammond	Mr. Slocum
Mr. Boyce	Mr. Harmon	Mr. Smalley
Mr. Brinkerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. Kelsey	Mr. Stevens
Mr. Bush	Mr. Kennedy	Mr. Stevenson
Mr. Button	Mr. Kidd	Mr. Stewart
Mr. L. Butts	Mr. Leavenworth	Mr. Strever
Mr. W. Butts	Mr. McKinney	Mr. Stryker
Mr. Buxton	Mr. McLean	Mr. Taylor
Mr. Campbell	Mr. McNeal	Mr. Terry
Mr. Carver	Mr. Maine	Mr. B. Thompson
Mr. Clark	Mr. Markel	Mr. J. E. Thompson
Mr. Cornell	Mr. Marsh	Mr. A. Tuttle
Mr. Crispell	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Miller	Mr. Van Auken
Mr. Cross	Mr. Moffatt	Mr. Van Orden
Mr. Culbert	Mr. Mowry	Mr. Varnum
Mr. Curtis	Mr. Nash	Mr. Vincent
Mr. Danforth	Mr. Noble	Mr. Ward
Mr. Disosway	Mr. Pardee	Mr. Wells
Mr. Elderkin	Mr. Pease	Mr. Wheaton
Mr. Elwood	Mr. Perley	Mr. White
Mr. Fish	Mr. Picket	Mr. Willard
Mr. Fiske	Mr. Pierce	Mr. Wilcox
Mr. Fitzhugh	Mr. Porter	Mr. Wing
Mr. Folger	Mr. Prescott	Mr. Wisewell
Mr. Fox	Mr. Pruynt	Mr. Woodruff
Mr. Gates	Mr. Quackenboss	Mr. Young

**Ordered**, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

A message from the Senate was received and read in the words following, to wit:

**Resolved**, That a respectful message be sent to the Honorable the Assembly, requesting them to transmit to the Senate the papers on file in that House, relating to the first christian party of the Oneida Indians.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill entitled "An act to authorize the purchase of the toll bridge at Jessups Little Falls, and make the same a public highway," was read the third time.

Mr. Glass moved said bill be recommitted to the committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Glass, and it was determined in the negative.

The said bill was then again read.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, three-fifths of said members being present, as follows:

{ AYES 112 }  
{ NAYS 08 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Porter
Mr. H. J. Allen	Mr. A. Gilbert	Mr. Prescott
Mr. Ave ill	Mr. L. M. Gilbert	Mr. Pruyn
Mr. Bagley	Mr. Goff	Mr. Quackenboss
Mr. Barber	Mr. Gove	Mr. Raynor
Mr. Beekman	Mr. Graham	Mr. Richards
Mr. Bellinger	Mr. Green	Mr. A. Robertson
Mr. Boardman	Mr. Guernsey	Mr. W. H. Robertson
Mr. Bogart	Mr. Hale	Mr. Rockwell
Mr. Boughton	Mr. Hall	Mr. St. John
Mr. Boyce	Mr. Hammond	Mr. Skeel
Mr. Brinkerhoff	Mr. Harmon	Mr. Slocum
Mr. Brewer	Mr. Hart	Mr. Smalley
Mr. Budd	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bull	Mr. Hudson	Mr. W. S. Smith
Mr. Bush	Mr. A. Johnson	Mr. Speaker
Mr. Button	Mr. M. Johnson	Mr. Stevens
Mr. L. Butts	Mr. Kelsey	Mr. Stewart
Mr. W. Butts	Mr. Kennedy	Mr. Stryker
Mr. Buxton	Mr. Kidd	Mr. Taylor



Mr. Campbell	Mr. Leavenworth	Mr. Terry
Mr. Carver	Mr. McKinney	Mr. B. Thompson
Mr. Clark	Mr. McLean	Mr. J. E. Thompson
Mr. Cornell	Mr. McNeal	Mr. A. Tuttle
Mr. Crispell	Mr. Maine	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Markel	Mr. Van Auken
Mr. Cross	Mr. Marsh	Mr. Van Oden
Mr. Culbert	Mr. Miller	Mr. Varnum
Mr. Curtis	Mr. Moffatt	Mr. Vincent
Mr. Danforth	Mr. Mowry	Mr. Ward
Mr. Disosway	Mr. Nash	Mr. Wells
Mr. Elderkin	Mr. Noble	Mr. White
Mr. Elwood	Mr. Pardee	Mr. Wilcox
Mr. Fish	Mr. Pease	Mr. Wing
Mr. Fiske	Mr. Perley	Mr. Wisewell
Mr. Fitzhugh	Mr. Pickett	Mr. Woodruff
Mr. Folger	Mr. Pierce	Mr. Young
Mr. Fox		

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Those who voted in the negative are,

Mr. Glass	Mr. Sexton	Mr. Whetton
Mr. Mersereau	Mr. Stevenson	Mr. Willard
Mr. Rounseville	Mr. Strever	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Cornell,

*Resolved*, That the select committee on applications for the use of the Assembly Chamber, be instructed to report generally what are the proper objects for which the use of the Assembly Chamber should be granted during the session of the Legislature.

Mr. Maine gave notice of his intention at an early day to ask leave to bring in a bill to amend section 10, chapter 480, of an act in relation to the office of town superintendent of common schools, and amendatory of the Revised Statutes, entitled of public instruction, passed December 15, 1847.

Mr. Stryker offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the petitions and papers relative to taxes and assessments in the city of New-York, be taken from the files and referred to a special committee.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Folger gave notice that he would at an early day ask leave to bring in a bill to amend the police law of the city of New-York.

On motion of Mr. Tuttle,

*Resolved*, That the petition and papers on files of the House, for the erection of a new county, from parts of Greene, Schoharie, and Delaware, be taken from the files and referred to the committee on the erection and division of towns and counties.

On motion of Mr. Campbell,

The House proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, That the Commissioners of the Canal Fund be requested to report to this House whether in their opinion the interests of the state would be prejudiced by a law prohibiting them keeping on deposit in any bank in this state, an amount of the public money of the state, exceeding one third of the capital of such bank.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Disoway offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur) That so much of the act of Congress, as imposes postage on newspapers not sent from the office of publication, and requires it to be pre-paid, was not demanded by the public interest, is impolitic and oppressive, and ought to be repealed.

*Resolved*, (if the Senate concur) That the Senators in Congress from this state be requested, with the representatives in Congress from this state, to use their best efforts to procure a repeal at as early a day as practicable in the present session of Congress, of so much of the act referred to in the foregoing resolution.

*Resolved*, (if the Senate concur) That the Governor of this state be requested to transmit a copy of the foregoing resolutions to each of the said Senators and Representatives in Congress.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Bailey,

*Resolved*, That a select committee of five be appointed, whose business it shall be to enquire and report to this House, the number of books, maps, and other things belonging to the state library, and the estimated value of the same; whether there is adequate room for the same in said library; and whether in their opinion they are now safe from destruction by fire.

That said committee further inquire and report the number and value of the law books belonging to the state, and not contained in the state library, and where the same now are, and what disposition in their opinion should be made of the same.

That said committee further inquire and report the number of volumes belonging to the library of this House, where they are now kept, and whether in their opinion adequate accommodations are now provided for the same.

*Ordered*, Mr. Bailey, Mr. A. Gilbert, Mr. Vincent, Mr. Wheaton and Mr. Kidd be such committee.

In pursuance of previous notice, Mr. Campbell asked for and obtained leave to introduce a bill entitled "An act to provide for the incorporation of insurance companies;" which was read the first time, and by unanimous consent was also read the second time and referred to the committee on banks and insurance companies.

In pursuance of previous notice, Mr. L. Ward Smith asked for and obtained leave to introduce a bill entitled "An act conferring

jurisdiction upon justices of the peace in the city of Rochester, in actions upon the charter or by-laws of said corporation," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

Mr. Cross gave notice that he would at some future day ask leave to introduce a bill entitled "An act to provide for the election of justices, and a clerk of the municipal court of the city of Brooklyn, and for filling of vacancies therein."

On motion of Mr. Nash,

*Resolved*, That the petition and papers of Washington Thurman and others for canal damages, be taken from the files of the last house and referred to the standing committee on claims.

Mr. White gave notice that at an early day he would ask leave to introduce a bill providing for the appointment of commissioners to examine into the condition, business, and solvency of insurance companies, and to report upon the same.

The House then resolved itself into a committee of the whole on the bill entitled "An act giving boards of county canvassers of this state additional powers in the correction of election returns, and to limit the publication of election notices," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Brewer from said committee reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter two hundred and fourteen of the laws of 1842," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Cornell from said committee reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorize the comptroller to employ additional clerks for certain purposes, and making appropriation for their payment," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. B. Thompson from said committee reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. L. Ward Smith from said committee reported progress, and asked for and obtained leave to sit again.

And then at 2 o'clock p. m.,

On motion of Mr. Averill,

The House adjourned.

## SATURDAY, JANUARY 13, 1849.

The House met pursuant to adjournment.

Mr. W. S. Smith acting as Speaker, by appointment, under the 7th rule of the House.

Prayer by the Rev. Mr. Barry.

The minutes of yesterday were read and approved.

Mr. Crittenden presented the petition of citizens of Carrolton, in the county of Cattaraugus, for an act to fix the time of holding their annual town meeting, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Maine presented the petition of William and Uriel Sherman for appraisal and payment of damages sustained by the building of the Eaton reservoir, which was read and referred to the committee on claims.

Mr. McNeal presented the petition of certain inhabitants of the county of Erie, to make the county clerk of that county a salaried office, which was read and referred to the committee on the judiciary.

Mr. Stewart presented the petition of the board of supervisors of Madison county, praying for act to amend an act relative to building a court house in said county, passed April 11, 1848, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Fiske presented the petition of John L. Turner and 50 others, asking for a law to regulate pilots and pilotage, which was read and referred to the committee on commerce and navigation.

Mr. Fiske presented the petition of the underwriters of the city of New-York, asking for a law to regulate pilots and pilotage, which was read referred to the committee on commerce and navigation.

Mr. L. Ward Smith from the committee on grievances, to which was referred the petition of John E. Van Eps, for compensation for damages done his lands by water leaking from the Erie canal; reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the appraisal and payment of canal damages to John E. Van Eps," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

(See Doc. No. 21.)

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of inhabitants of the towns of East Chester and White Plains, for a law authorising the town to raise money by tax to keep their roads and bridges in repair; reported, and asked and obtained leave to bring in a bill, entitled "An act relating to highways in the towns of East Chester and White Plains," which was

read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Hale from the committee on claims, to which was referred the petition of J. B. Van Dusen and Francis Bates, for relief for damages incurred in consequence of money paid by them for arresting an escaped convict; reported, and asked and obtained leave to bring in a bill, entitled "An act to pay Joshua B. Van Dusen and Francis Bates certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hiers, an escaped convict;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

(See Doc. No. 18.)

Mr. Hale from the committee on claims to which was referred the petition of Avery Z. Kingsley, for damages sustained by the breaking of the dam at the Kingsley brook reservoir; reported, and asked and obtained leave to bring in a bill, entitled "An act for the relief of Avery Z. Kingsley;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Cornell, from the committee on the judiciary, to which was referred the petition of Lewis M. Rutherford, of New-York, for a law to authorise the sale of lands in the city of New-York, for the renewal of certain leases; reported, and asked and obtained leave to bring in a bill, entitled "An act for the relief of the estate of Rutherford Stuyvesant;" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole house.

Mr. Cornell from the committee on the judiciary, to which was referred the bill to amend an act, entitled "An act in relation to justices' and police courts in the city of New-York, passed March 30, 1848, and an act amendatory to the same, passed April 12, 1848;" reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act directing the printing and distribution of the laws relating to the poor, and to amend chapter two hundred and fourteen of the laws of 1842."

"An act to authorise the comptroller to supply additional clerks for certain purposes, and making an appropriation for their payment,"

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill, entitled "An act to ex-

and the time for county superintendents of the poor, elected in November 1848, to execute and file their official bond and take the oath of office;" reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Mowry from the committee on railroads, to which was referred the engrossed bill from the Senate, entitled "An act to amend an act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal;" reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of Henry G. Button for a law to confirm his official acts as justice of peace of the town of Westville, reported, and asked and obtained leave to bring in a bill, entitled "An act to confirm the official acts of Henry G. Button, a justice of the peace of the town of Westville," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of inhabitants of Allegany county, for a law to confirm the official acts of the superintendents of the poor of said county, reported, and asked for and obtained leave to bring in a bill, entitled "An act to confirm the official acts of the superintendents of the poor of the county of Allegany;" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole house.

Mr. Bagley from the committee on the judiciary to was referred the bill, entitled "An act to confirm the official acts of the officers of the town of North Hudson," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Bagley from the committee on the judiciary to which was referred the bill, entitled "An act conferring jurisdiction upon justices of the peace in the city of Rochester in actions upon the charter or copy laws of said corporation;" reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Noble from the committee on the judiciary to which was referred the petition of the board of supervisors of Delaware county for a law authorising them to convey certain real estate; reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the chairman of the board of supervisors of the county of Delaware to convey certain real estate;" which was read the first

time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Harmon, from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled "An act to amend an act, entitled 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1843," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Pardee, from the committee on the erection and division of towns and counties, to which was referred the bill entitled "An act to erect the town of Shongo from the towns of Scio and Independence, in the county of Allegany," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole.

Mr. Mersereau, from the committee on public printing, to which was referred the motion to print five times the usual number of the annual report of the superintendent of the Onondaga salt springs for the use of the Legislature, and 250 for the use of the superintendent, reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That five times the usual number of the report be printed for the use of the Legislature, and 250 for the use of the superintendent.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was decided in the affirmative.

Mr. Noble, from the select committee, to which was referred the request of the New-York State Agricultural Society, for the use of the Assembly Chamber, reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the use of the Assembly Chamber be granted to the N. Y. State Agricultural Society, for the purpose of holding their annual meeting, on Wednesday, the 17th inst., at 12 o'clock, and on Wednesday and Thursday evenings.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill, entitled "An act to authorize the Comptroller to employ additional clerks for certain purposes, and making an appropriation for their payment," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 106 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Averill	Mr. Goddard	Mr. Richards
Bagley	Mr. Graham	Mr. Roblee
Bailey	Mr. Green	Mr. A. Robertson
Barber	Mr. Guernsey	Mr. Rounseville
Beekman	Mr. Hale	Mr. St. John
Bellinger	Mr. Hall	Mr. Sexton
Boardman	Mr. Hammond	Mr. Skeel
Bogart	Mr. Harmon	Mr. Slocum
Boughton	Mr. Hart	Mr. Smalley
Brewer	Mr. Hoyt	Mr. L. Ward Smith
Budd	Mr. A. Johnson	Mr. W. S. Smith
Bull	Mr. M. Johnson	Mr. Stevens
Bush	Mr. Kelsey	Mr. Stevenson
L. Butts	Mr. Kennedy	Mr. Stewart
W. Butts	Mr. Kidd	Mr. Strever
Buxton	Mr. Leavenworth	Mr. Terry
Campbell	Mr. McKinney	Mr. B. Thompson
Carver	Mr. Maine	Mr. J. E. Thompson
Clark	Mr. Markel	Mr. A. Tuttle
Cornell	Mr. Marsh	Mr. H. C. Tuthill
Crispell	Mr. Mersereau	Mr. Van Auker
Crittenden	Mr. Miller	Mr. Van Orden
Cross	Mr. Moffatt	Mr. Varnum
Culbert	Mr. Mowry	Mr. Vincent
Curtis	Mr. Nash	Mr. Ward
Disosway	Mr. Noble	Mr. Wells
Elderkin	Mr. Pardee	Mr. Wheaton
Elwood	Mr. Pease	Mr. White
Fish	Mr. Picket	Mr. Whittaker
Fiske	Mr. Pierce	Mr. Willard
Fitzhugh	Mr. Porter	Mr. Wilcox
Folger	Mr. Prescott	Mr. Wing
Fox	Mr. Pruyn	Mr. Wisewell
Gates	Mr. Quackenboss	Mr. Woodruff
A. Gilbert	Mr. Raynor	Mr. Young
Glass		

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For the negative,

Goff

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ordered, That the Clerk deliver the said bill to the Senate, and test their concurrence in the same.

The engrossed bill, entitled "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter hundred and fourteen of the laws of 1842," was read a third

time. The Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, by a majority of all the members elected to the Assembly voting in fa-

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vor thereof, and three-fifths of said members being present, as follows :

{ AYES 107 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. Averill	Mr. A. Gilbert	Mr. Quackenboss
Mr. Bagley	Mr. Goddard	Mr. Raynor
Mr. Bailey	Mr. Goff	Mr. Richards
Mr. Barber	Mr. Graham	Mr. Roblee
Mr. Beekman	Mr. Green	Mr. A. Robertson
Mr. Bellinger	Mr. Guernsey	Mr. Rounseville
Mr. Boardman	Mr. Hale	Mr. St. John
Mr. Bogart	Mr. Hall	Mr. Sexton
Mr. Boughton	Mr. Hammond	Mr. Skeel
Mr. Brinkerhoff	Mr. Harmon	Mr. Slocum
Mr. Brewer	Mr. Hart	Mr. Smalley
Mr. Budd	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bull	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bush	Mr. M. Johnson	Mr. Stevens
Mr. Button	Mr. Kelsey	Mr. Stevenson
Mr. L. Butts	Mr. Kennedy	Mr. Stewart
Mr. W. Butts	Mr. Kidd	Mr. Stryker
Mr. Buxton	Mr. Leavenworth	Mr. Terry
Mr. Campbell	Mr. McKinney	Mr. B. Thompson
Mr. Carver	Mr. McLean	Mr. J. E. Thompson
Mr. Clark	Mr. McNeal	Mr. A. Tuttle
Mr. Cornell	Mr. Maine	Mr. H. C. Tuthill
Mr. Crispell	Mr. Markel	Mr. Van Auken
Mr. Crittenden	Mr. Mersereau	Mr. Van Orden
Mr. Cross	Mr. Miller	Mr. Varnum
Mr. Culbert	Mr. Moffatt	Mr. Vincent
Mr. Danforth	Mr. Mowry	Mr. Ward
Mr. Disosway	Mr. Nash	Mr. Wheaton
Mr. Elderkin	Mr. Noble	Mr. White
Mr. Elwood	Mr. Pardee	Mr. Willard
Mr. Fish	Mr. Pease	Mr. Wilcox
Mr. Fiske	Mr. Picket	Mr. Wing
Mr. Fitzhugh	Mr. Pierce	Mr. Wisewell
Mr. Folger	Mr. Porter	Mr. Woodruff
Mr. Fox	Mr. Prescottt	Mr. Young
Mr. Gates	Mr. Pruyn	

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. A. Robertson gave notice that he would, at some future day, ask leave to introduce a bill to increase the compensation of witnesses in justices' courts.

On motion of Mr. Goff,

*Resolved*, That the petition and papers relating to the claim of

Jonathan W. Davis, be taken from the files of this House and referred to the committee on public lands.

On motion of Mr. Hale,

*Resolved*, That the same number of copies of the diagram of the Assembly and Senate Chamber be furnished for the use of the members and officers of the House as were ordered the last year.

In pursuance of previous notice, Mr. Boughton asked for and obtained leave to introduce a bill, entitled "An act to amend the charter of the village of Williamsburgh," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Pruyn asked for and obtained leave to introduce a bill, entitled "An act declaratory of the law as to the time of payment of sight bills of exchange and promissory notes payable on demand," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice, Mr. Cross asked for and obtained leave to introduce a bill, entitled "An act to provide for the election of justices and a clerk of the municipal court of the city of Brooklyn, and for filling of vacancies therein," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Danforth offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Clerk of the House is hereby required to furnish 300 copies of Colton's map of California for the use of the members and officers of the House.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Boughton gave notice that he would at an early day ask leave to bring in a bill to amend the act entitled "An act to authorize the trustees of the village of Williamsburgh, to raise money by loan or tax to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village," passed May 13, 1845.

Mr. Van Orden gave notice that he would ask leave at an early day to bring in a bill concerning the sheriff of the city and county of New-York.

On motion of Mr. Boughton,

*Resolved*, That the committee on printing be instructed to enquire into the causes which have delayed the printing of the documents ordered by this House, and report thereon.

On motion of Mr. Campbell,

*Resolved*, That the Clerk of this House furnish to each member a copy of the Legislative Manual, in addition to the one furnished by the Secretary of state.

Mr. Noble offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the use of the Assembly Chamber during the session of the Legislature, should only be granted for objects, in respect to which the state has an interest.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Fish moved that the committee of the whole be discharged from the further consideration of the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,'" and that the same be recommitted to the committee on the incorporation of cities and villages.

Mr. Willard moved to lay the said motion on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Willard, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Fish, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorize the trustees of the village of Williamsburgh to raise money by loan to pay certain debts," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Miller from said committee reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to reduce the capital stock of the Albany Insurance Company," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Richards from said committee reported that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorize the Dexter, Brownville and Pamela Plank Road company to erect a toll gate on that part of the road now finished," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Brinkerhoff from said committee reported that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorize the clerk of the county of Erie to appoint a special deputy," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bush from said committee reported that the committee had gone through the the said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to confirm the title of the trustees of the First Baptist Church and society of Newfane to certain lands," and

after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Disoway from said committee reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Kidd rose to a question of privilege, and asked for the reading of the following extract from "The Northern Star and Colored Farmer," a newspaper published in the city of Albany:

"There was a considerable discussion in the Assembly on Tuesday, in regard to the question of granting the use of the Chamber to the Florence Land Association, for the purpose of letting Rev. Sam'l. R. Ward deliver a lecture therein. The request was ably urged by Mr. Robert H. Pruyn, of Albany, together with Mr. Wells, Mr. Willard and Mr. Barber, and was opposed by Messrs. Taylor, Fisk, and W. S. Smith. After a long discussion, in which several points were raised against granting the use of the Chamber to any applicants; the ayes and nays were called with the following result. Ayes 78, nays 36. The following members voted in the negative:

Messrs H. J. Allen, Beekman, Boardman, Bogart, Boyce, Brinkerhoof, L. Butts, W. Butts, Campbell, Carver, Cornell, Crispell, Elderkirk, Fisk, Fitzhugh, Graham, Green, Guernsey, Hammond, Hoyt, Kelsey, McKinney, Miller, Moffatt, Noble, Pierce, Porter, Quackenboss, Raynor, Rockwell, Shell, Slocum, W. S. Smith, Terry, White, Wisewell. 36.

Thus we have a decided majority of 42 votes against those political demagogues named above, who voted against the motion, merely because the applicants happened to be colored citizens; and these were the self same members who made such a great parade about the slavery resolutions! 'Oh! consistency, thou art a jewel!'

S. M."

The same was read by the Clerk, when

Mr. Kidd offered for the consideration of the House a preamble and resolution in the words following, to wit:

WHEREAS this House did on the 9th instant, by a resolution thereof, grant the use of the Assembly Chamber on the evening of Monday next, to a colored association for the purpose of hearing a lecture from the Rev. S. R. Ward, editor of the Northern Star: and whereas also, the said Northern Star since the passage of said resolution contains a censorious article reflecting on the character and integrity of members of this House. Therefore

*Resolved*, That the resolution aforesaid be and the same is hereby rescinded.

Mr. Bush moved that the said preamble and resolution be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bush, and it was determined in the affirmative.

{ AYES 55 }  
{ NAYS 50 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Averill	Mr. M. Johnson	Mr. Roblee
Mr. Bagley	Mr. Kennedy	Mr. A. Robertson
Mr. Bellinger	Mr. Leavenworth	Mr. Rounseville
Mr. Boardman	Mr. McKinney	Mr. Sexton
Mr. Bull	Mr. McLean	Mr. Stevens
Mr. Bush	Mr. McNeal	Mr. Stevenson
Mr. Buxton	Mr. Maine	Mr. Stewart
Mr. Clark	Mr. Markel	Mr. Strever
Mr. Crittenden	Mr. Mersereau	Mr. B. Thompson
Mr. Cross	Mr. Mowry	Mr. A. Tuttle
Mr. Culbert	Mr. Nash	Mr. H. C. Tuthill
Mr. Curtis	Mr. Pardee	Mr. Van Auken
Mr. Danforth	Mr. Pease	Mr. Vincent
Mr. Fitzhugh	Mr. Picket	Mr. Wheaton
Mr. Fox	Mr. Porter	Mr. Willard
Mr. Gates	Mr. Prescott	Mr. Wilcox
Mr. A. Gilbert	Mr. Pruyn	Mr. Wing
Mr. Goff	Mr. Richards	Mr. Young
Mr. Hall		

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Folger	Mr. Noble
Mr. Bailey	Mr. Glass	Mr. Pierce
Mr. Barber	Mr. Goddard	Mr. Raynor
Mr. Beekman	Mr. Graham	Mr. St. John
Mr. Bogart	Mr. Green	Mr. Skeel
Mr. Boughton	Mr. Hale	Mr. Slocum
Mr. Brinkerhoff	Mr. Hammond	Mr. Smalley
Mr. Brewer	Mr. Harmon	Mr. L. Ward Smith
Mr. L. Butts	Mr. Hart	Mr. W. S. Smith
Mr. W. Butts	Mr. Hoyt	Mr. Stryker
Mr. Campbell	Mr. Hudson	Mr. Terry
Mr. Carver	Mr. A. Johnson	Mr. Van Orden
Mr. Cornell	Mr. Kelsey	Mr. Varnum
Mr. Crispell	Mr. Kidd	Mr. White
Mr. Disosway	Mr. Marsh	Mr. Wisewell
Mr. Elderkin	Mr. Miller	Mr. Woodruff
Mr. Fish	Mr. Moffatt	

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A communication was received from a committee of the bar of the city and county of Albany, in the words following, to wit:  
*To the Honorable the Assembly*

*of the state of New-York :*

The Honorable the Assembly is respectfully invited to attend the delivery of a discourse by the Hon. D. D. Barnard, on the life, character and services of the late Chief Justice Spencer, at the county

court room in the City Hall of this city, on Monday evening next, the 15th instant, at 7 o'clock.

With great respect,

SAMUEL STEVENS,  
JAMES EDWARDS,  
NICHOLAS HILL.

*Committee of the bar of Albany.*

*Albany, Jan. 13, 1849.*

Mr. Campbell moved that the invitation be accepted.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Campbell, and it was determined in the affirmative.

And then, at half-past one o'clock p. m.,

On motion of Mr. M. Johnson,  
The House adjourned.

## MONDAY, JANUARY 15, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Smith.

The minutes of Saturday were read and approved.

Mr. Speaker presented the petition of sundry citizens of the county of Rensselaer, praying for an amendment of the mechanics' lien law, which was read and referred to the committee on trade and manufactures.

Mr. Bagley presented the petition of the trustees of the village of Watertown, praying for an amendment of their charter, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Moffat presented four several petitions of sundry inhabitants of the county of Orange, praying for a law to reduce the rate of interest from seven to six per cent., which was read and referred to the committee on the judiciary.

Mr. Bailey presented the petition of members of the bar of the third judicial district, asking for the passage of a law for the holding of all the general terms of said court at the capitol in the city of Albany, and also that all the terms of the court of appeals be held at the same place, and that suitable rooms be assigned in the capitol for holding said courts, which was read and referred to the committee on the judiciary.

Mr. Hale presented the petition of 97 inhabitants of the town of Andover, in the county of Allegany, praying for a new county from parts of Steuben and Allegany, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Averill presented three several petitions of 154 citizens of Palatine, Montgomery county, praying for the repeal of a law in

relation to a highway through said town, passed in 1847, which was read and referred to the committee on roads and bridges.

Mr. Maine presented the petition of Eli Hinman and others, praying for a law directing the re-appraisal of certain lands originally owned by the Stockbridge Indians and sold by the state to the petitioners, which was read and referred to the committee on public lands.

Mr. Maine presented the petition of Archibald Campbell, praying for payment of damages occasioned by the breaking of the dam of the Kingsley brook reservoir, which was read and referred to the committee on claims.

Mr. Maine presented the petition of John M. Niles, praying for payment of damages occasioned by the breaking of the dam of the Kingsley brook reservoir, which was read and referred to the committee on claims.

Mr. Hale, from the committee on claims, to which was referred the petition of William Sherman and Urial Sherman, for compensation for damages sustained by the construction of the Eaton brook reservoir, reported, and asked and obtained leave to bring in a bill, entitled "An act for the relief of William Sherman and Urial Sherman;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

(See Doc. No. 22.)

Mr. Boughton, from the committee on the judiciary, to which was referred the petition of Jane Lavinia Vreeland Burger, for a law authorizing and directing the surrogate of the county of Richmond to admit to probate and record the will of her late husband, Joseph P. Burger, deceased, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorize and direct the surrogate of the county of Richmond to admit to probate and record the last will and testament of Joseph P. Burger, deceased;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Woodruff, from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of supervisors of the county of Fulton, for a law legalizing the assessment of taxes on non-resident lands for highways in the town of Bleecker in said county, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorize the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleecker for the year 1847;" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. McKinney, from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows:

"An act to confirm the title of the trustees of the first Baptist church and society of Newfane to certain lands;"

"An act to authorize the clerk of the county of Erie to appoint a special deputy;"

"An act to authorize the Dexter, Brownville and Pamela Plank Road Company to erect a toll gate on that part of their road now finished;"

"An act to authorize the trustees of the village of Williamsburgh to raise money by loan to pay certain debts;"

"An act to reduce the capital stock of the Albany Insurance Company;"

And found the same severally correctly engrossed.

*Ordered*, That said bills be read a third time.

Mr. Campbell, from the committee on banks and insurance companies, to which was referred the engrossed bill from the Senate, entitled "An act for the settlement of the claim of Henry D. Boughton against the bank of Lyons," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Campbell, from the committee on banks and insurance companies, to which was referred the bill entitled "An act declaratory of the law as to the payment of sight bills of exchange and promissory notes payable on demand," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. A. Johnson, from a majority of the select committee, to which was referred a resolution requiring them to report to this House what kind of applications for the use of the Assembly Chamber ought to be granted, respectfully report that they have had the same under consideration, and have arrived at the conclusion that it will be difficult to determine in advance of applications being made, what particular class should be favorably considered, that each request should rest on its own merit to be at the time determined; the committee therefore respectfully ask to be discharged from the further consideration thereof.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

The annual report of the Seamen's Bank for saving of the city of New-York, was received and referred to the committee on banks and insurance companies.

A message from the Governor, transmitting the annual report of the Commissary General, was received and read in the words following:

EXECUTIVE CHAMBER, }  
Albany, Jan. 15th 1849. }

*to the Legislature:*

I transmit herewith the annual report of the Commissary General. I also transmit a copy of a letter addressed to me by the chief of



the ordinance department at Washington, received since the date of the Commissary General's report, showing that the quota of arms due to the state is 1759 $\frac{2}{3}$  muskets, instead of 1670 $\frac{2}{3}$  muskets, as stated in his letter of the 7th of July last, of which a copy is set forth in the report of the Commissary General.

HAMILTON FISH.

(See Doc. No. 120.)

*Ordered*, That the said report be referred to the committee on militia and public defence.

Mr. W. S. Smith moved that five times the usual number of the said report be printed for the use of the Legislature and 100 for the use of the Commissary General.

*Ordered*, That the said motion be referred to the committee on public printing.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to prevent the collection of more than one bill of cost in several actions on one instrument;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act to repeal the act entitled 'An act to change the name of the corporation of the trustees of the fund of the Genesee Conference,' passed March 24, 1829, and for other purposes;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

The Senate returned the engrossed bill entitled "An act to incorporate the trustees of the Astor Library."

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be transmitted to the Hon. the Assembly, requesting the transmission of the petition and papers on file in that House in relation to the claim of John Camerton.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be transmitted to the Hon. the Assembly, requesting the transmission to the Senate of the petition of B. Fairman and others, for a law to construct a bridge across the Erie canal at Medina, with other papers relating to the same.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill, entitled "An act to authorize the trustees of the village of Williamsburgh to raise money by loan to pay certain debts," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirma-

ve, a majority of all the members elected to the Assembly voting  
 favor thereof, and three-fifths of said members being present, as  
 follows:

{ AYES 109 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Raynor
Mr. H. J. Allen	Mr. A. Gilbert	Mr. Richards
Mr. Averill	Mr. Glass	Mr. Roblee
Mr. Bagley	Mr. Goddard	Mr. A. Robertson
Mr. Bailey	Mr. Goff	Mr. W. H. Robertson
Mr. Barber	Mr. Gove	Mr. Rounseville
Mr. Beekman	Mr. Green	Mr. St. John
Mr. Bellinger	Mr. Guernsey	Mr. Sexton
Mr. Boardman	Mr. Hale	Mr. Skeel
Mr. Bogart	Mr. Hall	Mr. Slocum
Mr. Boughton	Mr. Hart	Mr. Smalley
Mr. Brinkerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Stewart
Mr. L. Butts	Mr. Kidd	Mr. Strever
Mr. W. Butts	Mr. Leavenworth	Mr. Stryker
Mr. Buxton	Mr. McKinney	Mr. Terry
Mr. Campbell	Mr. McLean	Mr. B. Thompson
Mr. Carver	Mr. McNeal	Mr. J. E. Thompson
Mr. Clark	Mr. Maine	Mr. A. Tuttle
Mr. Cornell	Mr. Markel	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Marsh	Mr. Van Auker
Mr. Cross	Mr. Mersereau	Mr. Van Orden
Mr. Culbert	Mr. Miller	Mr. Varnum
Mr. Curtis	Mr. Moffatt	Mr. Vincent
Mr. Danforth	Mr. Pardee	Mr. Ward
Mr. Disosway	Mr. Pease	Mr. Wheaton
Mr. Elderkin	Mr. Picket	Mr. White
Mr. Elwood	Mr. Pierce	Mr. Willard
Mr. Fish	Mr. Porter	Mr. Wilcox
Mr. Fiske	Mr. Prescott	Mr. Wisewell
Mr. Fitzhugh	Mr. Pruyn	Mr. Woodruff
Mr. Folger	Mr. Quackenboss	Mr. Young
Mr. Fox		

109

Ordered, That the Clerk deliver the said bill to the Senate and re-  
 quest their concurrence in the same.

The engrossed bill, entitled "An act to reduce the capital stock of  
 the Albany Insurance Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 106 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Raynor
Mr. Averill	Mr. A. Gilbert	Mr. Richards
Mr. Bagley	Mr. Glass	Mr. Rob'ee
Mr. Bailey	Mr. Goddard	Mr. A. Robertson
Mr. Barber	Mr. Goff	Mr. W. H. Robertson
Mr. Beekman	Mr. Gove	Mr. Rounseville
Mr. Bellinger	Mr. Green	Mr. St. John
Mr. Boardman	Mr. Guernsey	Mr. Sexton
Mr. Bogart	Mr. Hale	Mr. Skeel
Mr. Boughton	Mr. Hall	Mr. Slocum
Mr. Brinkerhoff	Mr. Hart	Mr. Smalley
Mr. Brewer	Mr. Hoyt	Mr. L. Ward Smith
Mr. Budd	Mr. Hudson	Mr. W. S. Smith
Mr. Bull	Mr. A. Johnson	Mr. Speaker
Mr. Bush	Mr. M. Johnson	Mr. Stevens
Mr. Button	Mr. Kelsey	Mr. Stevenson
Mr. L. Butts	Mr. Kennedy	Mr. Stewart
Mr. W. Butts	Mr. Kidd	Mr. Strever
Mr. Buxton	Mr. Leavenworth	Mr. Stryker
Mr. Campbell	Mr. McKinney	Mr. Terry
Mr. Carver	Mr. McLean	Mr. B. Thompson
Mr. Clark	Mr. McNeal	Mr. J. E. Thompson
Mr. Cornell	Mr. Maine	Mr. A. Tuttle
Mr. Crittenden	Mr. Markel	Mr. H. C. Tuthill
Mr. Cross	Mr. Marsh	Mr. Van Orden
Mr. Culbert	Mr. Mersereau	Mr. Varnum
Mr. Curtis	Mr. Miller	Mr. Vincent
Mr. Danforth	Mr. Moffatt	Mr. Ward
Mr. Disosway	Mr. Pardee	Mr. Wheaton
Mr. Elderkin	Mr. Pease	Mr. White
Mr. Elwood	Mr. Picket	Mr. Willard
Mr. Fish	Mr. Pierce	Mr. Wilcox
Mr. Fiske	Mr. Porter	Mr. Wisewell
Mr. Fitzhugh	Mr. Prescott	Mr. Woodruff
Mr. Folger	Mr. Quackenboss	Mr. Young
Mr. Fox		

106

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorize the Dexter, Brownville and Pamela Plank Road Company to erect a toll gate on that part of their road now finished," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 103 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Richards
Mr. Averill	Mr. Goddard	Mr. Roblee
Mr. Bagley	Mr. Goff	Mr. A. Robertson
Mr. Bailey	Mr. Gove	Mr. W. H. Robertson
Mr. Bellinger	Mr. Green	Mr. Rounseville
Mr. Boardman	Mr. Guernsey	Mr. St. John
Mr. Bogart	Mr. Hale	Mr. Sexton
Mr. Boughton	Mr. Hall	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Slocum
Mr. Brewer	Mr. Hoyt	Mr. Smalley
Mr. Budd	Mr. Hudson	Mr. L. Ward Smith
Mr. Bull	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bush	Mr. M. Johnson	Mr. Speaker
Mr. Button	Mr. Kelsey	Mr. Stevens
Mr. L. Butts	Mr. Kidd	Mr. Stevenson
Mr. W. Butts	Mr. Leavenworth	Mr. Stewart
Mr. Buxton	Mr. McKinney	Mr. Strever
Mr. Campbell	Mr. McLean	Mr. Stryker
Mr. Carver	Mr. McNeal	Mr. Terry
Mr. Clark	Mr. Maine	Mr. B. Thompson
Mr. Crittenden	Mr. Markel	Mr. J. E. Thompson
Mr. Cross	Mr. Mersereau	Mr. A. Tuttle
Mr. Culbert	Mr. Miller	Mr. H. C. Tuthill
Mr. Curtis	Mr. Moffatt	Mr. Van Orden
Mr. Danforth	Mr. Nash	Mr. Varnum
Mr. Disosway	Mr. Pardee	Mr. Vincent
Mr. Elderkin	Mr. Pease	Mr. Ward
Mr. Elwood	Mr. Picket	Mr. Wheaton
Mr. Fish	Mr. Pierce	Mr. White
Mr. Fiske	Mr. Porter	Mr. Willard
Mr. Fitzhugh	Mr. Prescott	Mr. Wilcox
Mr. Folger	Mr. Pruyn	Mr. Wisewell
Mr. Fox	Mr. Quackenboss	Mr. Woodruff
Mr. Gates	Mr. Raynor	Mr. Young
Mr. A. Gilbert		

103

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to confirm the title of the trustees of the First Baptist church and society of Newfane to certain lands," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 105 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. Glass	Mr. Richards
Mr. Averill	Mr. Goddard	Mr. Roblee
Mr. Bagley	Mr. Goff	Mr. A. Robertson
Mr. Bailey	Mr. Gove	Mr. W. H. Robertson
Mr. Bellinger	Mr. Green	Mr. Rounseville
Mr. Boardman	Mr. Guernsey	Mr. St. John
Mr. Bogart	Mr. Hale	Mr. Sexton
Mr. Boughton	Mr. Hall	Mr. Skeel
Mr. Brinkerhoff	Mr. Hammond	Mr. Slocum
Mr. Brewer	Mr. Hart	Mr. Smalley
Mr. Budd	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bull	Mr. Hudson	Mr. W. S. Smith
Mr. Bush	Mr. A. Johnson	Mr. Speaker
Mr. Button	Mr. M. Johnson	Mr. Stevens
Mr. L. Butts	Mr. Kelsey	Mr. Stevenson
Mr. W. Butts	Mr. Kidd	Mr. Stewart
Mr. Buxton	Mr. Leavenworth	Mr. Strever
Mr. Campbell	Mr. McKinney	Mr. Stryker
Mr. Carver	Mr. McLean	Mr. Terry
Mr. Clark	Mr. McNeal	Mr. B. Thompson
Mr. Crittenden	Mr. Maine	Mr. J. E. Thompson
Mr. Cross	Mr. Markel	Mr. A. Tuttle
Mr. Culbert	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Curtis	Mr. Miller	Mr. Van Orden
Mr. Danforth	Mr. Moffatt	Mr. Varnum
Mr. Disosway	Mr. Nash	Mr. Vincent
Mr. Elderkin	Mr. Pardee	Mr. Ward
Mr. Elwood	Mr. Pease	Mr. Wheaton
Mr. Fish	Mr. Picket	Mr. White
Mr. Fiske	Mr. Pierce	Mr. Willard
Mr. Fitzhugh	Mr. Porter	Mr. Wilcox
Mr. Folger	Mr. Prescott	Mr. Wisewell
Mr. Fox	Mr. Prun	Mr. Woodruff
Mr. Gates	Mr. Quackenboss	Mr. Young

105

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to authorize the clerk of the county of Erie, to appoint a special deputy," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 109 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Quackenboss
Mr. H. J. Allen	Mr. Goddard	Mr. Raynor
Mr. Averill	Mr. Goff	Mr. Richards
Mr. Bagley	Mr. Gove	Mr. Roblee
Mr. Bailey	Mr. Green	Mr. A. Robertson
Mr. Barber	Mr. Guernsey	Mr. W. H. Robertson
Mr. Bellinger	Mr. Hale	Mr. Rounseville
Mr. Boardman	Mr. Hall	Mr. St. John
Mr. Bogart	Mr. Hammond	Mr. Sexton
Mr. Boughton	Mr. Harmon	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Slocum
Mr. Brewer	Mr. Hoyt	Mr. Smalley
Mr. Budd	Mr. Hudson	Mr. L. Ward Smith
Mr. Bull	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bush	Mr. M. Johnson	Mr. Speaker
Mr. Button	Mr. Kelsey	Mr. Stevens
Mr. L. Butts	Mr. Kennedy	Mr. Stevenson
Mr. W. Butts	Mr. Kidd	Mr. Stewart
Mr. Buxton	Mr. Leavenworth	Mr. Strever
Mr. Campbell	Mr. McKinney	Mr. Stryker
Mr. Carver	Mr. McLean	Mr. Terry
Mr. Clark	Mr. McNeal	Mr. B. Thompson
Mr. Crittenden	Mr. Maine	Mr. J. E. Thompson
Mr. Cross	Mr. Markel	Mr. A. Tuttle
Mr. Culbert	Mr. Marsh	Mr. H. C. Tuthill
Mr. Curtis	Mr. Mersereau	Mr. Van Orden
Mr. Danforth	Mr. Miller	Mr. Varnum
Mr. Disosway	Mr. Moffatt	Mr. Vincent
Mr. Elderkin	Mr. Nash	Mr. Ward
Mr. Elwood	Mr. Pardee	Mr. Wheaton
Mr. Fish	Mr. Pease	Mr. White
Mr. Fiske	Mr. Picket	Mr. Willard
Mr. Fitzhugh	Mr. Pierce	Mr. Wilcox
Mr. Folger	Mr. Porter	Mr. Wisewell
Mr. Fox	Mr. Prescott	Mr. Woodruff
Mr. Gates	Mr. Pruyn	Mr. Young
Mr. A. Gilbert		

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Ordered, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

Mr. Cross offered for the consideration of the House, a resolution in the words following, to wit:

**WHEREAS**, A resolution was adopted by this House on Saturday last, giving the New-York State Agricultural society the use of this chamber for the purposes of their meeting on Wednesday next; therefore,

*Resolved*, That this House will meet on that day at 10 o'clock, A. M., and adjourn at 12 o'clock M.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Barber offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the Attorney General be directed to transmit to this House all the information he may be in possession of relative to the situation and progress of certain suits commenced by him in behalf of the State, against Stephen Van Rensselaer and other landlords, involving the question of title.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Pruyn,

*Resolved*, That the petition and papers relative to the claims of Henry Rector for payment for services as architect of the State hall be taken from the files and referred to the standing committee on claims.

On motion of Mr. Averill,

*Resolved*, That a respectful message be sent to the Senate, requesting that body to transmit to this House, the petition and other papers of the inhabitants of Ephratah, Fulton county, for the repeal of an act in relation to a highway through the town of Palatine and Ephratah, passed in 1847.

Mr. W. H. Robertson gave notice that he would at an early day ask leave to introduce a bill to amend section 37, of article third, title first, chapter eighth, part second of the Revised Statutes, in relation to divorces.

On motion of Mr. W. S. Smith,

*Resolved*, That the copies of the Comptroller's annual report not yet delivered to the House, be trimmed, cut and bound in paper covers.

Mr. Campbell offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Comptroller be requested to inform this House whether in his communication to this House, under date of January 11, 1849, in answer to a resolution of this House, adopted January 8, 1849, and which communication is printed as Assembly document No. 13, he did not overlook that part of section second, of article seventh of the Constitution of this State, which provides that from and after the extinguishment of the entire principal of the canal debt the sum of one million five hundred thousand dollars shall be appropriated and set apart out of the surplus revenues of the State canals in each fiscal year, as a sinking fund to pay the interest and reduce the principal of that part of the State debt, called the general fund debt, including the debt for loans of the State credit to railroad companies which have failed to pay the interest thereon, and also the

tingent debt on state stocks loaned to incorporated companies, which have hitherto paid the interest thereon, whenever and as far any part thereof may become a charge on the treasury or general fund, until the same shall be wholly paid.

*Ordered*, That the said resolution be laid on the table.

Mr. Boughton offered for the consideration of the House concurrent resolutions in the following words, to wit:

*Resolved*, (if the Senate concur,) That the Governor be and he is hereby requested to procure a sword with suitable emblems and devices, and present it to Colonel Ward B. Burnett, who commanded the first regiment of New-York volunteers in the late campaign in Mexico, in the name of the people of this State, as a testimony of their high appreciation of his gallant and distinguished services.

*Resolved*, (if the Senate concur,) That the Governor be and he is hereby requested to procure a gold medal, with suitable emblems and devices, for each officer of the first regiment of New-York volunteers under the command of Colonel Ward B. Burnett, who was honorably mentioned in the reports of his superior officers, and present it to each of such officers living, and to the representatives of those who shall have died, in the following order, viz: 1st to the father; 2d, to the children; 3d, to the father; 4th, to the mother; and the name of the people of this state, as a testimony of their high appreciation of their distinguished service.

*Ordered*, That the said resolutions be laid on the table.

In pursuance of previous notice, Mr. L. Ward Smith asked for and obtained leave to introduce a bill, entitled "An act to declare the public utility of a railroad from Syracuse to Rochester, on the most direct and eligible route," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on railroads.

Mr. Pruyn offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Secretary of State cause to be printed and bound for the Regents of the University, to be used for literary exchanges, five hundred additional copies of the report of the Secretary of State, and the accompanying documents and maps relating to the early history of the State, and five times the usual number for the use of this House, and two hundred copies for the use of the officers and reporters of this House.

*Ordered*, That the said resolution be referred to the committee on public printing.

Leave of absence was granted to Mr. Wells, Mr. Noble, and Mr. Jackson; for five days each.

Mr. Fiske gave notice that he would ask leave at an early day to introduce a bill to amend the act entitled "An act to abolish imprisonment for debt, and to punish fraudulent debtors," passed April 1, 1831.



On motion of Mr. White,

*Resolved*, That the petition and papers in the matter of the application of John King for relief on account of canal damages, be taken from the files of the last Assembly, and referred to the committee on canals.

Mr. Disosway offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That a special committee be appointed to examine and to report whether any revision or amendments are necessary in the emigrant law, passed the last session of the Legislature, so that the emigrants fleeing from the oppression of Europe, may be better protected from frauds and imposition than they now are.

*Ordered*, That the said resolution be laid upon the table.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorize the Young Men's Association of the city of Buffalo to borrow money for the erection of a building," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Stryker from said committee reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to pay Isaac Satterly for bounty lands due Henry Satterly, for services in the revolutionary war," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Pardee from said committee reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act to pay the heirs at law of Henry Satterly for bounty lands due him for services in the revolutionary war."

Mr. Goff moved that the report of the committee of the whole be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Goff, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act for the relief of the estate of Rutherford Stuyvesant," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Averill from said committee reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled "An act to provide for the construction of a bridge across the Cattaraugus creek at Upper Irving," and after some time spent thereon, Mr. Speaker again resumed the chair, and Mr. Brinkerhoff from said committee reported

that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be read a third time.

By unanimous consent,

The engrossed bill from the Senate, entitled "An act to provide for the construction of a bridge across the Cataaugus creek at Upper Irving," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 108 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Pruyn
Mr. H. J. Allen	Mr. Glass	Mr. Quackenboss
Mr. Averill	Mr. Goddard	Mr. Raynor
Mr. Bagley	Mr. Goff	Mr. Richards
Mr. Bailey	Mr. Gove	Mr. Roblee
Mr. Barber	Mr. Green	Mr. A. Robertson
Mr. Bellinger	Mr. Guernsey	Mr. W. H. Robertson
Mr. Boardman	Mr. Hale	Mr. Rounseville
Mr. Bogart	Mr. Hall	Mr. St. John
Mr. Boughton	Mr. Hammond	Mr. Sexton
Mr. Brinkerhoff	Mr. Harmon	Mr. Skeel
Mr. Brewer	Mr. Hart	Mr. Slocum
Mr. Budd	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bull	Mr. Hudson	Mr. W. S. Smith
Mr. Bush	Mr. A. Johnson	Mr. Speaker
Mr. Button	Mr. M. Johnson	Mr. Stevens
Mr. L. Butts	Mr. Kelsey	Mr. Stevenson
Mr. W. Butts	Mr. Kennedy	Mr. Stewart
Mr. Buxton	Mr. Kidd	Mr. Strever
Mr. Campbell	Mr. Leavenworth	Mr. Speaker
Mr. Carver	Mr. McKinney	Mr. Terry
Mr. Clark	Mr. McLean	Mr. B. Thompson
Mr. Crittenden	Mr. McNeal	Mr. J. E. Thompson
Mr. Cross	Mr. Maine	Mr. A. Tuttle
Mr. Culbert	Mr. Markel	Mr. H. C. Tuthill
Mr. Curtis	Mr. Marsh	Mr. Van Orden
Mr. Danforth	Mr. Mersereau	Mr. Varnum
Mr. Disosway	Mr. Miller	Mr. Vincent
Mr. Elderkin	Mr. Moffatt	Mr. Ward
Mr. Elwood	Mr. Nash	Mr. Wheaton
Mr. Fish	Mr. Pardee	Mr. White
Mr. Fiske	Mr. Pease	Mr. Willard
Mr. Fitzhugh	Mr. Picket	Mr. Wilcox
Mr. Folger	Mr. Pierce	Mr. Wisewell

Mr. Fox  
Mr. Gates

Mr. Porter  
Mr. Prescott

Mr. Woodruff  
Mr. Young 108

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The House then again resolved itself into a committee of the whole on the bill, entitled "An act for the relief of Rutherford Stuyvesant," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Averill from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to levy a tax upon school district No. 14, in the towns of Milan and Pine Plains, to reimburse certain moneys to John Germond, David J. Hicks and Nathan Smith," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Woodruff from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act authorising the canal board to hear and determine the claim of James H. Hooker, for loss sustained by the sinking of his canal boat in the Erie canal," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. McKinney from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to annex part of the town of Sheldon to the town of Orangeville," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M. Johnson from said committee, reported that the committee had gone through with said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

Mr. W. S. Smith asked for and obtained leave to introduce a bill, entitled "An act to authorise the further enlargement of the opening in the Albany pier, between the State and Columbia-street bridges," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. W. S. Smith,

*Ordered*, That the said bill be committed to the committee of the whole House.

And then at 2 o'clock p. m.,

On motion of Mr. White,

The House adjourned.

TUESDAY, JANUARY 16, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Brown.

The minutes of yesterday were read and approved.

Mr. Hammond presented the petition of Russell Comstock of Dutchess co., praying for legislative aid for testing and purchasing his discovery of a natural fixed principle in the vegetable kingdom, applicable and essential in the culture of all vegetable productions, which was read and referred to the committee on agriculture.

Mr. Crispell presented two several petitions of sundry citizens of the town of Woodstock, praying for an amendment to the Sauger-ties and Woodstock turnpike act, which was read and referred to the committee on roads and bridges.

Mr. Young presented the petition of inhabitants of the town of Persia, Cattaraugus county, praying for the repeal of the act entitled "An act relating to road district No. 2, in Persia, Cattaraugus county," passed April 12, 1842, which was read and referred to the committee on roads and bridges.

Mr. Terry presented the petition of Moses Randall, praying for relief from an unjust assessment upon personal property in the town of Clymer, in the county of Chautauque.

On motion of Mr. Terry,

*Ordered*, That the said petition be referred to a select committee.

*Ordered*, That Mr. Terry, Mr. Stevenson, Mr. Hoyt, Mr. Brinkhoff, and Mr. J. E. Thompson be said committee.

Mr. Skeel presented the petition of 120 inhabitants of Cortland co., asking that measures may be taken to amend the constitution of this state, so as to extend the right of suffrage to the colored citizens, same as is now enjoyed by the white citizens of this state, which was read and referred to the committee on the judiciary.

Mr. Kidd presented the petition of John Ahern and Rose his wife, aliens, praying for the passage of an act to enable them to grant, hold and devise real estate, which was read and referred to the committee on the petitions of aliens.

Mr. Stewart presented the petition of 50 inhabitants of Madison and Oneida counties, praying for relief in regard to certain lands sold by the Surveyor General in the years 1840 and 1841, which was read and referred to the committee on public lands.

Mr. Marsh presented the petition of 87 inhabitants of the town of Lyme, in Jefferson co., against the repeal of the law authorizing Vincent Le Ray De Chaumont to erect a toll bridge across the Chaumont river, which was read and referred to the committee on roads and bridges.

Mr. Cross, from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend the charter of the village of Williamsburgh," reported that the com-

mittee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. W. S. Smith, from the committee on ways and means, to which was referred so much of the Comptroller's report as relates to the appropriations for the support of Government, reported, and asked, and obtained leave to bring in a bill, entitled "An act making appropriations in part for the fiscal year year commencing Oct. 1, 1848, and for other purposes;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Boughton, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the election of justices and a clerk of the municipal court of the city of Brooklyn, and for the filling of vacancies therein," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to chattel mortgages required to be filed in the office of the clerk of the county of Erie," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Bagley from the committee on the judiciary to which was referred the bill entitled "An act in relation to county superintendents of the poor elected at the annual election in 1848, and to confirm their official acts," reported, that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Folger, from the committee on public lands, to which was referred the petition of Eli Hinman, praying for a reduction in the price paid for the lands of the Stockbridge Indians," reported, and asked, and obtained leave to bring in a bill, entitled "An act for the benefit of certain purchasers of land acquired by treaty from the Stockbridge Indians," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

(See Doc. No. 23.)

Mr. Fiske, from the committee on commerce and navigation, to which was referred the petition of John S. Turner and others, praying for the passage of an act to regulate pilots and pilotage, reported, and asked, and obtained leave to bring in a bill entitled "An act relating to pilots of the port of New-York," which was read

the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fiske, from the committee on commerce and navigation, to which was referred the petition of Walter R. Jones and others, of New-York, praying for an act to incorporate the Life Saving Benevolent Association, reported, and asked, and obtained leave to bring in a bill, entitled "An act to incorporate the Life Saving Benevolent Association of New-York;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Mersereau, from the committee on public printing, to which was referred a resolution of this house directing said committee to ascertain and report the cause of the delay in the printing of documents &c., ordered by the House, reported in writing.

*Ordered*, That the said report be laid upon the table.

Mr. Ward from the committee on claims to which was referred the petition of Washington Thurman and others, praying for relief for sinking of canal boat in the Erie canal, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

(See Doc. No. 24.)

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry citizens of North Hempstead, to regulate the taking of oysters in the bays of that town, reported, and asked, and obtained leave to bring in a bill, entitled "An act to regulate the taking of oysters in the town of North Hempstead, Queens county;" which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of Carrolton, in the county of Cattaraugus, to fix the time of holding their annual town meeting, reported, and asked, and obtained leave to bring in a bill, entitled "An act to fix the time and place of holding annual town meetings in the town of Carrolton, in the county of Cattaraugus;" which was read the first time and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows to wit:

"An act to levy a tax upon school district No. 14, in the towns of Milan and Pine Plains to reimburse certain monies to John Germond, David I. Hicks, and Nathan Smith;"

"An act for the relief of the estate of Rutherford Stuyvesant;"

"An act authorizing the Canal board to hear and determine the claim of James H. Hooker, for loss sustained by the sinking of his canal boat in the Erie canal."

"An act to pay the heirs at law of Henry Satterly for bounty lands due him for services in the revolutionary war."

"An act to authorize the Young Men's Association of the city of Buffalo, to borrow money for the erection of a building;"

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. Mersereau, from the standing committee on public printing, to which was referred the motion of Mr. Pruyn to print and bind 500 additional copies of the report of the Secretary of state, in relation to the early history of the state, for the Regents of the University, to be used for literary exchanges, and five times the usual number for the use of this House, and 200 copies for the use of the officers and reporters of this House, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That 500 additional copies of the said report be printed and bound for the use of the Regents of the University for literary exchanges, and three times the usual number for the use of this House, and 200 copies for the use of the officers and reporters of this House.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Mersereau, from the standing committee on public printing, to which was referred the motion to print five times the usual number of the report of the Commissary General for the use of the Legislature, and 100 copies for the Commissary General, reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That three times the usual number of the report of the Commissary General be printed for the use of the Legislature, and 100 copies for the Commissary General.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was decided in the affirmative.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of the president, directors, and company of the western branch of the Schoharie turnpike road to abandon the westerly part of said road, reported, and asked, and obtained leave to bring in a bill, entitled "An act to authorize the Schoharie Turnpike Road Company to abandon a part of their road;" which was read the first time, and by unanimous consent was also read a second time and committed to a committee of the whole House.

A communication from the Commissioners of the Land office in relation to the erection of the new state arsenal, was received and read, in the words following, to wit:

STATE OF NEW-YORK, }  
 Secretary's Office. }  
 Albany, Jan. 15, 1849.

*To the Speaker of the Assembly.*

SIR:—The Commissioners of the Land office respectfully report

that they have examined the report of the committee appointed by the Commissioners to supervise the work of the new state arsenal, and to disburse the money for the erection of the same, which report they approve and transmit herewith.

The Commissioners respectfully refer the Legislature to the report of the Comptroller in relation to the new state arsenal, and approve the recommendations contained therein.

CHRISTOPHER MORGAN,  
*Secretary of State.*

CHARLES B. STUART,  
*State Engineer and Surveyor.*

MILLARD FILLMORE,  
*Comptroller.*

ALVAH HUNT,  
*Treasurer.*

(See Doc. No. 29.)

*Ordered,* That the said communication be referred to the committee on militia and public defence.

Mr. L. Ward Smith moved to print five times the usual number for the use of the Legislature, and 100 copies for the state Engineer and Surveyor.

*Ordered,* That the said motion be referred to the committee on public printing.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled, "An act in relation to pardons," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

A message from the Senate was received and read, informing that they had passed without amendment the bill therewith returned; entitled "An act to provide for the filling up the stock of the Firemen's Insurance Company of the city of Albany, and reducing the number of its directors."

*Ordered,* That the Clerk deliver the said bill to the Senate.

The engrossed bill, entitled "An act for the relief of the estate of Rutherford Stuyvesant," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 107 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Quackenboss
Mr. H. J. Allen	Mr. Glass	Mr. Raynor
Mr. Averill	Mr. Goddard	Mr. Richards
Mr. Bagley	Mr. Goff	Mr. Roblee



Mr. Bailey	Mr. Gove	Mr. A. Robertson
Mr. Barber	Mr. Graham	Mr. W. H. Robertson
Mr. Beekman	Mr. Green	Mr. Rounseville
Mr. Bellinger	Mr. Hale	Mr. St. John
Mr. Boardman	Mr. Hammond	Mr. Sexton
Mr. Bogart	Mr. Harmon	Mr. Skeel
Mr. Boughton	Mr. Hart	Mr. Slocum
Mr. Boyce	Mr. Hoyt	Mr. Smalley
Mr. Brinkerhoff	Mr. Hudson	Mr. L. Ward Smith
Mr. Brewer	Mr. A. Johnson	Mr. W. S. Smith
Mr. Budd	Mr. M. Johnson	Mr. Speaker
Mr. Bull	Mr. Kelsey	Mr. Stevens
Mr. Bush	Mr. Kennedy	Mr. Stevenson
Mr. L. Butts	Mr. Kidd	Mr. Stewart
Mr. W. Butts	Mr. Leavenworth	Mr. Strever
Mr. Campbell	Mr. McKinney	Mr. Stryker
Mr. Carver	Mr. McLean	Mr. Terry
Mr. Clark	Mr. McNeal	Mr. B. Thompson
Mr. Crispell	Mr. Maine	Mr. J. E. Thompson
Mr. Crittenden	Mr. Markel	Mr. A. Tuttle
Mr. Cross	Mr. Marsh	Mr. H. C. Tuthill
Mr. Culbert	Mr. Mersereau	Mr. Varnum
Mr. Curtis	Mr. Miller	Mr. Vincent
Mr. Danforth	Mr. Moffatt	Mr. Ward
Mr. Disosway	Mr. Mowry	Mr. Wheaton
Mr. Elderkin	Mr. Nash	Mr. White
Mr. Elwood	Mr. Pardee	Mr. Willard
Mr. Fish	Mr. Pease	Mr. Wilcox
Mr. Fiske	Mr. Picket	Mr. Wing
Mr. Fitzhugh	Mr. Pierce	Mr. Wisewell
Mr. Folger	Mr. Porter	Mr. Woodruff
Mr. Fox	Mr. Prescott	Mr. Young
Mr. Gates	Mr. Pruyn	

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to levy a tax upon school district No. 14, in the towns of Milan and Pine Plains, to reimburse certain monies to John Germond, David I. Hicks and Nathan Smith," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 107 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Quackenboss
Mr. H. J. Allen	Mr. A. Gilbert	Mr. Raynór

Mr. Averill	Mr. Glass	Mr. Richards
Mr. Bagley	Mr. Goddard	Mr. Roblee
Mr. Bailey	Mr. Goff	Mr. W. H. Robertson
Mr. Barber	Mr. Gove	Mr. Rounseville
Mr. Bellinger	Mr. Green	Mr. St. John
Mr. Boardman	Mr. Hale	Mr. Sexton
Mr. Bogart	Mr. Hammond	Mr. Skeel
Mr. Boughten	Mr. Harmon	Mr. Slocum
Mr. Boyce	Mr. Hart	Mr. Smalley
Mr. Brinkerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Stewart
Mr. L. Butts	Mr. Kidd	Mr. Strever
Mr. W. Butts	Mr. Leavenworth	Mr. Stryker
Mr. Campbell	Mr. McKinney	Mr. Terry
Mr. Carver	Mr. McLean	Mr. B. Thompson
Mr. Clark	Mr. McNeal	Mr. J. E. Thompson
Mr. Crispell	Mr. Maine	Mr. A. Tuttle
Mr. Crittenden	Mr. Markel	Mr. H. C. Tathill
Mr. Cross	Mr. Mersereau	Mr. Varnum
Mr. Culbert	Mr. Miller	Mr. Vincent
Mr. Curtis	Mr. Moffatt	Mr. Ward
Mr. Danforth	Mr. Mowry	Mr. Wheaton
Mr. Disosway	Mr. Nash	Mr. White
Mr. Elderkin	Mr. Pardee	Mr. Willard
Mr. Elwood	Mr. Pease	Mr. Wilcox
Mr. Fish	Mr. Picket	Mr. Wing
Mr. Fiske	Mr. Pierce	Mr. Wisewell
Mr. Fitzhugh	Mr. Porter	Mr. Woodruff
Mr. Folger	Mr. Prescott	Mr. Young
Mr. Fox	Mr. Pruyn	

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*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorize the Young Men's Association of the city of Buffalo to borrow money for the erection of a building," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 109 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Quackenboss
Mr. H. J. Allen	Mr. A. Gilbert	Mr. Raynor

Mr. Averill	Mr. Glass	Mr. Richards
Mr. Bagley	Mr. Goddard	Mr. Roblee
Mr. Bailey	Mr. Goff	Mr. A. Robertson
Mr. Barber	Mr. Gove	Mr. W. H. Robertson
Mr. Beckman	Mr. Green	Mr. Rounseville
Mr. Bellinger	Mr. Hale	Mr. St. John
Mr. Boardman	Mr. Hall	Mr. Sexton
Mr. Bogart	Mr. Hammond	Mr. Skeel
Mr. Boughton	Mr. Harmon	Mr. Slocum
Mr. Boyce	Mr. Hart	Mr. Smalley
Mr. Brikerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Stewart
Mr. L. Butts	Mr. Kidd	Mr. Strever
Mr. W. Butts	Mr. Leavenworth	Mr. Stryker
Mr. Campbell	Mr. McKinney	Mr. Terry
Mr. Carver	Mr. McLean	Mr. B. Thompson
Mr. Clark	Mr. McNeal	Mr. J. E. Thompson
Mr. Crispell	Mr. Maine	Mr. A. Tuttle
Mr. Crittenden	Mr. Markel	Mr. H. C. Tuthill
Mr. Cross	Mr. Marsh	Mr. Varnum
Mr. Culbert	Mr. Mersereau	Mr. Vincent
Mr. Curtis	Mr. Miller	Mr. Ward
Mr. Danforth	Mr. Moffatt	Mr. Wheaton
Mr. Disosway	Mr. Nash	Mr. White
Mr. Elderkin	Mr. Pardee	Mr. Willard
Mr. Elwood	Mr. Pease	Mr. Wilcox
Mr. Fish	Mr. Picket	Mr. Wing
Mr. Fiske	Mr. Pierce	Mr. Wisewell
Mr. Fitzhugh	Mr. Porter	Mr. Woodruff
Mr. Folger	Mr. Prescott	Mr. Young
Mr. Fox	Mr. Pruyn	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act authorizing the Canal Board to hear and determine the claim of James H. Hooker, for the loss sustained by the sinking of his canal boat in the Erie canal," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 108 }  
{ NAYS 02 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. Glass	Mr. Richards
Mr. Averill	Mr. Goddard	Mr. A. Robertson
Mr. Bagley	Mr. Gove	Mr. W. H. Robertson
Mr. Bailey	Mr. Graham	Mr. Rounseville
Mr. Barber	Mr. Green	Mr. St. John
Mr. Beekman	Mr. Hale	Mr. Sexton
Mr. Bellinger	Mr. Hall	Mr. Skeel
Mr. Boardman	Mr. Harmon	Mr. Slocum
Mr. Bogart	Mr. Hart	Mr. L. Ward Smith
Mr. Boughton	Mr. Hoyt	Mr. W. S. Smith
Mr. Boyce	Mr. Hudson	Mr. Speaker
Mr. Brinkerhof	Mr. A. Johnson	Mr. Stevens
Mr. Brewer	Mr. M. Johnson	Mr. Stevenson
Mr. Budd	Mr. Kelsey	Mr. Stewart
Mr. Bull	Mr. Kennedy	Mr. Strever
Mr. Bush	Mr. Kidd	Mr. Stryker
Mr. Button	Mr. Leavenworth	Mr. Terry
Mr. L. Butts	Mr. McKinney	Mr. B. Thompson
Mr. W. Butts	Mr. McLean	Mr. J. E. Thompson
Mr. Campbell	Mr. McNeal	Mr. A. Tuttle
Mr. Carver	Mr. Maine	Mr. H. C. Tuthill
Mr. Clark	Mr. Markel	Mr. Van Orden
Mr. Crispell	Mr. Marsh	Mr. Varnum
Mr. Crittenden	Mr. Moffatt	Mr. Vincent
Mr. Culbert	Mr. Mowry	Mr. Ward
Mr. Curtis	Mr. Nash	Mr. Wheaton
Mr. Disosway	Mr. Pease	Mr. White
Mr. Elderkin	Mr. Picket	Mr. Willard
Mr. Elwood	Mr. Pierce	Mr. Wilcox
Mr. Fiske	Mr. Porter	Mr. Wing
Mr. Fitzhugh	Mr. Prescott	Mr. Wisewell
Mr. Folger	Mr. Pruyn	Mr. Woodruff
Mr. Fox	Mr. Quackenboss	Mr. Young
Mr. Gates		

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Those who voted in the negative are,

Mr. Cross	Mr. Mersereau	2
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Ordered, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to pay the heirs at law of Henry Satterly for county lands due him for services in the revolutionary war," was read the third time, when

Mr. Goff moved to recommit said bill to the standing committee on claims, so that it retain its present place upon the general orders of the House, when reported by that committee.

Mr. Speaker put the question whether the House would agree to the said motion of A. Goff, and it was determined in the affirmative.

Mr. L. Ward Smith gave notice that he would at some early day ask leave to introduce a bill, entitled "An act to amend the act entitled 'An act for the further security of mechanics and others erecting buildings, and furnishing materials therefor, in the county of Richmond,'" passed May 11, 1846.

Mr. Pardee gave notice that he would at an early day ask leave to introduce a bill to authorise the railroad from Albany to Buffalo to carry fresh provisions and live stock free of tolls.

In pursuance of previous notice, Mr. Maine asked for and obtained leave to bring in a bill, entitled "An act to amend section 10, chapter 480 of the laws of 1847, relative to the office of superintendent of common schools, and amendatory of the Revised Statutes, entitled 'of public instruction,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. Fiske asked for and obtained leave to bring in a bill, entitled "An act further to amend an act, entitled 'An act to abolish imprisonment for debt, and to punish fraudulent debtors,'" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Elwood asked for and obtained leave to introduce a bill, entitled "An act to amend the act to provide for the incorporation of companies to construct plank roads and of companies to construct turnpike roads," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice Mr. Mowry asked for and obtained leave to introduce a bill, entitled "An act to regulate the compensation of supervisors," which was read the first time, and unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Cross asked for and obtained leave to introduce a bill, entitled "An act to amend an act entitled 'An act to provide for the election of county treasurers, and fix their term of office,'" which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

On motion of Mr. Wisewell,

*Resolved*, That the papers in relation to the claim of Miles Benham, be taken from the files and referred to the committee on claims.

On motion of Mr. W. S. Smith,

*Resolved*, That the petition and papers to change the name of Edward Mortimer Conly to Edward Mortimer Thon, be taken from the files of this House, and referred to the committee on the judiciary.

On motion of Mr. Fitzhugh.

*Resolved*, That the Clerk of the Assembly furnish the canal appraisers with a sufficient number of Assembly documents to complete the file in that office.

Mr. Boughton gave notice that he would at an early day ask leave to introduce a bill to incorporate "The Kinderhook Bank for Savings," in the city of New-York.

In pursuance of previous notice, Mr. Cross asked for and obtained leave to introduce a bill, entitled "An act to declare the validity of the election of Ebenezer W. Peck, as, county treasurer of the county of Kings," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. A. Robertson asked for and obtained leave to introduce a bill, entitled "An act to increase the compensation of witnesses in justices' courts," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

On motion of Mr. Campbell,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the Comptroller be requested to inform this House whether in his communication to this House, under date of January 11, 1849, in answer to a resolution of this House, adopted January 8, 1849, and which communication is printed as Assembly document No. 13, he did not overlook that part of section second, of article seventh of the Constitution of this State, which provides that from and after the extinguishment of the entire principal of the canal debt the sum of one million five hundred thousand dollars shall be appropriated and set apart out of the surplus revenues of the State canals in each fiscal year, as a sinking fund to pay the interest and reduce the principal of that part of the State debt, called the general fund debt, including the debt for loans of the State credit to railroad companies which have failed to pay the interest thereon, and also the contingent debt on State stocks loaned to incorporated companies, which have hitherto paid the interest thereon, whenever and as far as any part thereof may become a charge on the treasury or general fund until the same shall be wholly paid.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Leavenworth gave notice that at an early day he should ask leave to introduce a bill to extend the time for the collection of taxes in the town of Huron, Wayne co.

On motion of Mr. Nash,

*Resolved*, That the papers of Washington Thurman and others for canal damages be referred back to the standing committee on claims for further consideration.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Slocum,

*Resolved*, That the committee on canals enquire and report to this House whether a basin constructed at the confluence of the southerly sprout of the Mohawk river with the Hudson, in the village of West Troy, at the point where the canal connects with the tide waters of

the Hudson and is to connect by means of enlarged locks now under contract for construction, would not be of sufficient importance to the canal commerce of the State to justify the construction of such basin by the State from the surplus revenues of the State canals.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Slocum,

*Resolved*, That the papers on file in this House in relation to the claims of Amos B. King and James H. King for relief and damages under a contract made by the canal commissioners with Mr. William M. King, be taken from the files of this House and referred to the committee on claims.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Campbell,

*Resolved*, That the petition and papers, presented to the last House of Assembly, for the passage of a law prohibiting the manufacture of cut stone in the Sing Sing prison, be taken from the files of this house and referred to the standing committee on State prisons.

Mr. A. Johnson gave notice that at an early day he would ask leave to introduce a bill to amend an act entitled "An act for the more effectual protection of the property of married women."

On motion of Mr. J. E. Thompson,

*Resolved*, That the papers on file in this House in relation to the claim of Hubbard Bardick, be taken therefrom and referred to the committee on claims.

On motion of Mr. Disosway,

The House proceeded to the consideration of certain resolutions heretofore presented by him, in the words following, to wit :

*Resolved*, (if the Senate concur) That so much of the act of Congress, as imposes postage on newspapers not sent from the office of publication, and requires it to be pre-paid, was not demanded by the public interest, is impolitic and oppressive, and ought to be repealed.

*Resolved*, (if the Senate concur) That the Senators in Congress from this state be requested, with the representatives in Congress from this state, to use their best efforts to procure a repeal at as early a day as practicable in the present session of Congress, of so much of the act referred to in the foregoing resolution.

*Resolved*, (if the Senate concur) That the Governor of this state be requested to transmit a copy of the foregoing resolutions to each of the said Senators and Representatives in Congress.

Said resolutions having been amended by him by adding to the second resolution, the following words: "and also to procure a further reduction of postage on letters."

Mr. Speaker put the question whether the House would agree to the said resolutions, as amended, and it was determined in the affirmative.

On motion of Mr. Barber,

The House proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit :

**Resolved,** That the Attorney General be directed to transmit to this House all the information he may be in possession of relative to the situation and progress of certain suits commenced by him in behalf of the State, against Stephen Van Rensselaer and other landlords, involving the question of title.

The resolution having been amended by him to read as follows:

**Resolved,** That the Attorney General be respectfully requested, to communicate to this house what progress he has made, if any, in investigating the title to the Manorial lands in this State, under a resolution adopted by the Legislature at the last session, and such other information as he may deem proper to communicate relative to the subject.

Mr. Speaker put the question whether the house would agree to the said resolution, as amended, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise Phineas Hutchins to take the oath of office and discharge the duties of superintendent of the poor of Onondaga county;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Varnum, from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to confirm the official acts of John H. Cameron, a justice of the peace," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Goff from said committee reported that the committee had gone through the said bill, and agreed to the same with the title thereof altered so as to read "An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol," which report was agreed to.

**Ordered,** That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend the charter of the Washington Monument Association of the city of New-York," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Merseureau, from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

**Ordered,** That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise the appraisal and payment of canal damages to John E. Van Eps," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Vincent, from said committee, reported that the committee had gone through the said bill and agreed to the same with amendments, which report was agreed to.

**Ordered,** That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act relating to highways in the towns of East Chester and White Plains," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bagley, from said committee,



reported that the committee had gone through the said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to pay Joshua B. Van Deusen and Francis Bates certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hiers, an escaped convict," after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Robertson, from said committee, reported progress, and asked for and obtained leave to sit again.

And then, at two o'clock, p. m.,

On motion of Mr. Quackenboss,

The House adjourned.

### WEDNESDAY, JANUARY 17, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The minutes of yesterday were read and approved.

Mr. Pruyn presented the petition of Maria Bulson, praying for a divorce, which was read.

On motion of Mr. Pruyn,

*Ordered*, That the said petition be referred to the select committee on the shaker trust bill.

Mr. Pruyn presented the petition of the common council of the city of Albany, praying for the passage of an act regulating the place or places for the landing and departure of steamboats, which was read.

*Ordered*, That the said petition be referred to a select committee.

*Ordered*, That Mr. Pruyn, Mr. Bowen, Mr. Elderkin, Mr. Rockwell and Mr. Fish, be such select committee.

Mr. Brinkerhoff presented the petition of 100 citizens of Cayuga county, for an act declaring the public utility of a railroad from Auburn to Binghamton, which was read and referred to the committee on railroads.

Mr. Hart presented the petition of the board of supervisors of Onondaga co., praying for a law authorizing them to build a jail, and for the repeal of the registry law of 1847, and for the election of a board of auditors for said county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Strever presented the petition of the board of supervisors of Columbia county, to make the office of district attorney for that county, a salary office, which was read and referred to the committee on the judiciary.

Mr. Speaker presented the petition of sundry citizens of Rensselaer co., praying for an act to confirm the official acts of Simeon Worden, a justice of the peace of said county, which was read and referred to the committee on the judiciary.

Mr. Rouseville presented the petition of sundry citizens of Chemung co., praying that a portion of said town may be annexed to the county of Tompkins, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Markel presented the petition of Luke P. Babcock, Charles J. Elliot and others, praying for an act to authorize the appraisal of canal damages, which was read and referred to the committee on claims.

Mr. McKinney presented the petition of the East River Savings Institution of the city of New-York, praying for an amendment to their charter, which was read and referred to the committee on banks and insurance companies.

Mr. Bowen presented the petition of Abraham G. Thompson, praying for certain amendments of the general manufacturing law, which was read, and referred to the committee on trade and manufactures.

Mr. Boughton, from the committee on the judiciary, to which was referred the bill entitled "An act to declare the validity of the election of Ebenezer W. Peck, as county treasurer of the county of Chemung," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

Ordered, That the said bill be committed to a committee of the whole house.

Mr. Bailey, from the committee on the judiciary, to which was referred the petition of the board of supervisors of Delaware county, praying for a law to provide for the election of a local officer to discharge the duties of county judge and surrogate, reported, and asked leave to bring in a bill entitled "An act to provide for the election of a local officer in the county of Delaware, to perform the duties of county judge and surrogate in certain cases," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of Nathan Sanders and Roswell Goff for a bridge over their farms over the Chemung canal feeder, in the town of Big Flatts, Chemung co., reported, and asked, and obtained leave to bring in a bill, entitled "An act authorizing the construction of a farm bridge over the Chemung canal feeder," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act relating to highways in the town of East Chester and White Plains;"

"An act to amend the charter of the Washington Monument Association of the city of New-York;"

"An act to authorize the appraisal and payment of canal damages to John E. Van Eps;"

"An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol;"

"An act to annex part of the town of Sheldon to the town of Orangeville;"

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of John King, praying for payment of damages sustained by the overflowing of his land by the water of the Erie canal, reported, and asked, and obtained leave to bring in a bill, entitled an act to authorize the appraisal and payment of canal damages to John King;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of Henry P. Alexander and others, praying for damages sustained by the construction of the Erie canal, reported, and asked, and obtained leave to bring in a bill, entitled "An act authorizing the appraisal and payment of canal damages to Henry P. Alexander, David Tomlinson and others;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Averill from the committee on roads and bridges to which was referred the petition of sundry inhabitants of Persia, Cattaraugus county, praying for the repeal of the law in relation to road district No. 2, in said town, reported, and asked, and obtained leave to bring in a bill, entitled "An act to repeal an act entitled 'An act relating to road district number two, in Persia, Cattaraugus county;'" which was read the first time, and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Woodruff, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to extend the time for the collection of taxes," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

By unanimous consent the House then resolved itself into a committee of the whole on the bill entitled "An act to extend the time for the collection of taxes," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bowen, from said committee, reported that the committee had gone through with said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Woodruff, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to change the place of meeting of the board of supervisors of the county of Ulster, and to amend the Revised Statutes in relation thereto,"

ported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the engrossed bill from the Senate, entitled "An act to authorize the election of a supervisor in each ward in the city of Utica," reported, that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole house.

Mr. Mersereau, from the committee on public printing, to which was referred the motion to print five times the usual number of the report of the Commissioners of the Land Office in relation to the new state arsenal, for the use of the Legislature, and 100 for the State Engineer and Surveyor, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That three times the usual number of the report be printed for the use of the Legislature, and 100 copies for the use of the Commissioners of the Land Office.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The annual report of the East River Savings Institution of New-York, was received and referred to the committee on banks and insurance companies.

A communication from the Auditor of the Canal Department, in answer to a resolution of this House in relation to the deposits of the public monies, was received and referred to the committee on ways and means.

Mr. Speaker presented a communication from Francis H. Smith, Esq., asking an examination of his plan of taking the vote in representative bodies by yeas and nays, to the great saving of time.

Mr. W. S. Smith moved that said communication be referred to the committee on commerce and navigation.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the negative.

Mr. A. Gilbert moved that said communication be referred to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Gilbert, and it was determined in the affirmative.

*Ordered*, That Mr. A. Gilbert, Mr. Taylor, Mr. A. Johnson, Mr. Markel and Mr. Elderkin be such committee.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting the transmission to the Senate of the

papers on file in that House, in relation to the claim of Ezra Wood for canal damages.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be sent to the Assembly requesting the transmission to the Senate of the papers on file in that House relating to an alteration of the charter of the Orange County Mutual Insurance Company.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be transmitted to the Assembly, asking that the petitions and remonstrances in relation to an increase of the tax on foreign insurance companies, on file, presented in the session of 1847, be transmitted to the Senate, and that when so transmitted they be referred to the same committee of the whole having charge of the bill introduced by Mr. Lawrence on this subject.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

By unanimous consent,

The engrossed bill, entitled "An act to extend the time for the collection of taxes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 111 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Quackenboss
Mr. H. J. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. Averill	Mr. Glass	Mr. Richards
Mr. Bagley	Mr. Goddard	Mr. Roblee
Mr. Bailey	Mr. Goff	Mr. A. Robertson
Mr. Barber	Mr. Gove	Mr. W. H. Robertson
Mr. Beekman	Mr. Graham	Mr. Rounseville
Mr. Bellinger	Mr. Green	Mr. St. John
Mr. Boardman	Mr. Hale	Mr. Sexton
Mr. Bogart	Mr. Hall	Mr. Skeel
Mr. Boughton	Mr. Hammond	Mr. Slocum
Mr. Bowen	Mr. Harmon	Mr. Smalley
Mr. Boyce	Mr. Hart	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hoyt	Mr. W. S. Smith
Mr. Brewer	Mr. Hudson	Mr. Speaker

Mr. Budd	Mr. A. Johnson	Mr. Stevens
Mr. Bull	Mr. M. Johnson	Mr. Stevenson
Mr. Bush	Mr. Kelsey	Mr. Stewart
Mr. Button	Mr. Kennedy	Mr. Strever
Mr. W. Butts	Mr. Kidd	Mr. Stryker
Mr. Campbell	Mr. Leavenworth	Mr. Taylor
Mr. Carver	Mr. McKinney	Mr. Terry
Mr. Clark	Mr. McLean	Mr. B. Thompson
Mr. Crispell	Mr. McNeal	Mr. J. E. Thompson
Mr. Crittenden	Mr. Maine	Mr. A. Tuttle
Mr. Cross	Mr. Markel	Mr. H. C. Tuthill
Mr. Culbert	Mr. Marsh	Mr. Van Orden
Mr. Curtis	Mr. Moffatt	Mr. Varnum
Mr. Danforth	Mr. Mowry	Mr. Vincent
Mr. Disosway	Mr. Nash	Mr. Ward
Mr. Elderkin	Mr. Pardee	Mr. Wheaton
Mr. Elwood	Mr. Pease	Mr. White
Mr. Fish	Mr. Picket	Mr. Willard
Mr. Fiske	Mr. Pierce	Mr. Wilcox
Mr. Fitzhugh	Mr. Porter	Mr. Wisewell
Mr. Folger	Mr. Prescott	Mr. Woodruff
Mr. Fox	Mr. Pruyn	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to amend the charter of the Washington Monument Association of the city of New-York," having been amended by unanimous consent, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 110 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. Glass	Mr. Richards
Mr. Averill	Mr. Goddard	Mr. Roblee
Mr. Bagley	Mr. Goff	Mr. A. Robertson
Mr. Bailey	Mr. Gove	Mr. W. H. Robertson
Mr. Barber	Mr. Graham	Mr. Rounseville
Mr. Beekman	Mr. Green	Mr. St. John
Mr. Bellinger	Mr. Hall	Mr. Sexton
Mr. Boardman	Mr. Hammond	Mr. Skeel
Mr. Bogart	Mr. Harmon	Mr. Slocum
Mr. Boughton	Mr. Hart	Mr. Smalley
Mr. Bowen	Mr. Hoyt	Mr. L. Ward Smith
Mr. Boyce	Mr. Hudson	Mr. W. S. Smith

Mr. Brinkerhoff	Mr. A. Johnson	Mr. Speaker
Mr. Brewer	Mr. M. Johnson	Mr. Stevens
Mr. Budd	Mr. Kelsey	Mr. Stevenson
Mr. Bull	Mr. Kennedy	Mr. Stewart
Mr. Bush	Mr. Kidd	Mr. Strever
Mr. Button	Mr. Leavenworth	Mr. Stryker
Mr. L. Butts	Mr. McKinney	Mr. Terry
Mr. Campbell	Mr. McLean	Mr. B. Thompson
Mr. Carver	Mr. McNeal	Mr. J. E. Thompson
Mr. Clark	Mr. Maine	Mr. A. Tuttle
Mr. Crispell	Mr. Markel	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Mersereau	Mr. Van Auker
Mr. Cross	Mr. Miller	Mr. Van Orden
Mr. Culbert	Mr. Moffatt	Mr. Varnum
Mr. Curtis	Mr. Mowry	Mr. Vincent
Mr. Danforth	Mr. Nash	Mr. Ward
Mr. Disosway	Mr. Pardee	Mr. White
Mr. Elderkin	Mr. Pease	Mr. Willard
Mr. Elwood	Mr. Picket	Mr. Wilcox
Mr. Fish	Mr. Pierce	Mr. Wing
Mr. Fitzhugh	Mr. Porter	Mr. Wisewell
Mr. Folger	Mr. Prescott	Mr. Woodruff
Mr. Fox	Mr. Pruyn	Mr. Young
Mr. Gates	Mr. Quackenboss	

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Ordered, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorise the appraisal and payment of canal damages to John E. Van Eps," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 106 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Richards
Mr. B. Allen	Mr. Glass	Mr. Roblee
Mr. Averill	Mr. Gove	Mr. A. Robertson
Mr. Bagley	Mr. Graham	Mr. W. H. Robertson
Mr. Bailey	Mr. Green	Mr. Rounseville
Mr. Barber	Mr. Hall	Mr. St. John
Mr. Beekman	Mr. Hammond	Mr. Sexton
Mr. Bellinger	Mr. Harmon	Mr. Skeel
Mr. Boardman	Mr. Hart	Mr. Slocum
Mr. Bogart	Mr. Hoyt	Mr. Smalley
Mr. Boughton	Mr. Hudson	Mr. L. Ward Smith

Mr. Bowen	Mr. A. Johnson	Mr. W. S. Smith
Mr. Boyce	Mr. M. Johnson	Mr. Speaker
Mr. Brikerhoff	Mr. Kelsey	Mr. Stevens
Mr. Brewer	Mr. Kennedy	Mr. Stevenson
Mr. Budd	Mr. Kidd	Mr. Stewart
Mr. Bull	Mr. Leavenworth	Mr. Strever
Mr. Bush	Mr. McKinney	Mr. Stryker
Mr. Button	Mr. McLean	Mr. Terry
Mr. L. Butts	Mr. McNeal	Mr. B. Thompson
Mr. Campbell	Mr. Maine	Mr. J. E. Thompson
Mr. Carver	Mr. Markel	Mr. A. Tuttle
Mr. Clark	Mr. Miller	Mr. H. C. Tuthill
Mr. Crispell	Mr. Moffatt	Mr. Van Aaken
Mr. Crittenden	Mr. Mowry	Mr. Van Orden
Mr. Cross	Mr. Nash	Mr. Varnum
Mr. Culbert	Mr. Pardee	Mr. Vincent
Mr. Curtis	Mr. Pease	Mr. Ward
Mr. Danforth	Mr. Picket	Mr. White
Mr. Disosway	Mr. Pierce	Mr. Willard
Mr. Elwood	Mr. Porter	Mr. Wilcox
Mr. Fish	Mr. Prescott	Mr. Wing
Mr. Fitzhugh	Mr. Pruyn	Mr. Wisewell
Mr. Folger	Mr. Quackenboss	Mr. Woodruff
Mr. Fox	Mr. Raynor	Mr. Young
Mr. Gates		

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For the negative,

Mr. Elderkin

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act relating to highways in the towns of East Chester and White Plains," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 109 }  
{ NAYS '00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. B. Allen	Mr. Glass	Mr. Richards
Mr. Averill	Mr. Goddard	Mr. Roblee
Mr. Bagley	Mr. Goff	Mr. A. Robertson
Mr. Bailey	Mr. Gove	Mr. W. H. Robertson
Mr. Barber	Mr. Graham	Mr. Rounsaville
Mr. Beekman	Mr. Green	Mr. St. John
Mr. Bellinger	Mr. Hall	Mr. Sexton

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Mr. Boardman	Mr. Hammond	Mr. Skeel
Mr. Bogart	Mr. Harmon	Mr. Slocum
Mr. Boughton	Mr. Hart	Mr. Smalley
Mr. Bowen	Mr. Hoyt	Mr. L. Ward Smith
Mr. Boyce	Mr. Hudson	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Speaker
Mr. Brewer	Mr. M. Johnson	Mr. Stevens
Mr. Budd	Mr. Kelsey	Mr. Stevenson
Mr. Bull	Mr. Kennedy	Mr. Stewart
Mr. Bush	Mr. Kidd	Mr. Strever
Mr. Button	Mr. Leavenworth	Mr. Stryker
Mr. W. Butts	Mr. McKinney	Mr. Terry
Mr. Campbell	Mr. McLean	Mr. B. Thompson
Mr. Carver	Mr. McNeal	Mr. J. E. Thompson
Mr. Clark	Mr. Maine	Mr. A. Tuttle
Mr. Crispell	Mr. Markel	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Miller	Mr. Van Auker
Mr. Cross	Mr. Moffatt	Mr. Van Orden
Mr. Culbert	Mr. Mowry	Mr. Varnum
Mr. Curtis	Mr. Nash	Mr. Vincent
Mr. Danforth	Mr. Pardee	Mr. Ward
Mr. Disosway	Mr. Pease	Mr. Wheaton
Mr. Elwood	Mr. Picket	Mr. White
Mr. Fish	Mr. Pierce	Mr. Willard
Mr. Fiske	Mr. Porter	Mr. Wilcox
Mr. Fitzhugh	Mr. Prescott	Mr. Wisewell
Mr. Folger	Mr. Pruyn	Mr. Woodruff
Mr. Fox	Mr. Quackenboss	Mr. Young
Mr. Gates		

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Ordered, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows :

{ AYES 107 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. Glass	Mr. Richards
Mr. Bagley	Mr. Goddard	Mr. Roblee
Mr. Bailey	Mr. Goff	Mr. A. Robertson
Mr. Barber	Mr. Gove	Mr. W. H. Robertson
Mr. Beekman	Mr. Graham	Mr. Rounseville
Mr. Bellinger	Mr. Green	Mr. St. John

Mr. Boardman	Mr. Hall	Mr. Sexton
Mr. Bogart	Mr. Hammond	Mr. Skeel
Mr. Boughton	Mr. Harmon	Mr. Slocum
Mr. Bowen	Mr. Hart	Mr. Smalley
Mr. Boyce	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hudson	Mr. W. S. Smith
Mr. Brewer	Mr. A. Johnson	Mr. Speaker
Mr. Budd	Mr. M. Johnson	Mr. Stevens
Mr. Bull	Mr. Kelsey	Mr. Stevenson
Mr. Bush	Mr. Kennedy	Mr. Stewart
Mr. Button	Mr. Kidd	Mr. Strever
Mr. Campbell	Mr. Leavenworth	Mr. Stryker
Mr. Carver	Mr. McKinney	Mr. Terry
Mr. Clark	Mr. McLean	Mr. B. Thompson
Mr. Crispell	Mr. McNeal	Mr. A. Tuttle
Mr. Crittenden	Mr. Maine	Mr. H. C. Tuthill
Mr. Cross	Mr. Markel	Mr. Van Auken
Mr. Culbert	Mr. Marsh	Mr. Van Orden
Mr. Curtis	Mr. Mersereau	Mr. Varnum
Mr. Danforth	Mr. Moffatt	Mr. Vincent
Mr. Disosway	Mr. Mowry	Mr. Ward
Mr. Elderkin	Mr. Nash	Mr. Wheaton
Mr. Elwood	Mr. Pardee	Mr. White
Mr. Fish	Mr. Pease	Mr. Willard
Mr. Fiske	Mr. Picket	Mr. Wilcox
Mr. Fitzhugh	Mr. Pierce	Mr. Wisewell
Mr. Folger	Mr. Porter	Mr. Woodruff
Mr. Fox	Mr. Pruyn	Mr. Young
Mr. Gates	Mr. Quackenboss	

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to annex part of the town of Sheldon to the town of Orangeville," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 107 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. Glass	Mr. Richards
Mr. Bagley	Mr. Goddard	Mr. Roblee
Mr. Bailey	Mr. Goff	Mr. A. Robertson
Mr. Barber	Mr. Gove	Mr. W. H. Robertson
Mr. Beekman	Mr. Graham	Mr. Rounseville
Mr. Bellinger	Mr. Green	Mr. St. John
Mr. Boardman	Mr. Hall	Mr. Sexton

Mr. Bogart	Mr. Hammond	Mr. Steel
Mr. Boughton	Mr. Harmon	Mr. Slocum
Mr. Bowen	Mr. Hart	Mr. Smalley
Mr. Boyce	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hudson	Mr. W. S. Smith
Mr. Brewer	Mr. A. Johnson	Mr. Speaker
Mr. Budd	Mr. M. Johnson	Mr. Stevens
Mr. Bull	Mr. Kelsey	Mr. Stevenson
Mr. Bush	Mr. Kennedy	Mr. Stewart
Mr. Button	Mr. Kidd	Mr. Strever
Mr. Campbell	Mr. Leavenworth	Mr. Terry
Mr. Carver	Mr. McKinney	Mr. B. Thompson
Mr. Clark	Mr. McLean	Mr. J. E. Thompson
Mr. Crispell	Mr. McNeal	Mr. A. Tuttle
Mr. Crittenden	Mr. Maine	Mr. H. C. Tuthill
Mr. Cross	Mr. Markel	Mr. Van Auken
Mr. Culbert	Mr. Marsh	Mr. Van Orden
Mr. Curtis	Mr. Mersereau	Mr. Varnum
Mr. Danforth	Mr. Moffatt	Mr. Vincent
Mr. Disosway	Mr. Mowry	Mr. Ward
Mr. Elderkin	Mr. Nash	Mr. Wheaton
Mr. Elwood	Mr. Pardee	Mr. White
Mr. Fish	Mr. Pease	Mr. Willard
Mr. Fiske	Mr. Picket	Mr. Wilcox
Mr. Fitzhugh	Mr. Pierce	Mr. Wisewell
Mr. Folger	Mr. Porter	Mr. Woodruff
Mr. Fox	Mr. Pruyn	Mr. Young
Mr. Gates	Mr. Quackenboss	

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

In pursuance of previous notice, Mr. B. Thompson asked for and obtained leave to introduce a bill, entitled "An act to amend an act entitled 'An act to incorporate the Farmer's Mutual Insurance Company of Erie county,' passed May 14, 1845;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice, Mr. Pardee asked for and obtained leave to introduce a bill, entitled "An act to authorise railroads to carry fresh provisions and live stock free of tolls," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on canals.

In pursuance of previous notice, Mr. Boughton asked for and obtained leave to introduce a bill, entitled "An act to incorporate the Knickerbocker Bank for saving in the city of New-York;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice, Mr. L. Ward Smith asked for and obtained leave to introduce a bill, entitled "An act to amend

an act, entitled 'An act for the further security of mechanics and others erecting buildings and furnishing materials therefor in the county of Richmond, passed May 11, 1846;' which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. Boyce gave notice that he would, at an early day, ask leave to bring in a bill to amend the charter of the village of Palmyra.

Mr. McLean gave notice that he would, at some early day, ask leave to introduce a bill for the relief of James R. Clark, for damages sustained by libel suit in the exposition of canal frauds.

On motion of Mr. Willard,

*Resolved*, That so much of the Comptroller's report as relates to the Tioga coal, iron, mining and manufacturing company sinking and, be referred to a select committee to report thereon.

*Ordered*, That Mr. Willard, Mr. Bowen, Mr. W. S. Smith, Mr. Markel and Mr. Mersereau be said committee.

The House then resolved itself into a committee of the whole on the bill entitled "An act giving the boards of county canvassers of this state additional powers in the correction of election returns, and to limit the publication of election notices," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Brewer, from said committee, reported progress and asked leave to sit again.

Pending the question of granting leave, the hour of 12 o'clock having arrived, Mr. Speaker adjourned the House until to-morrow morning at eleven o'clock.

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## THURSDAY, JANUARY 18, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Brown.

The minutes of yesterday were read and approved.

Mr. Wing presented a petition of inhabitants of the village of Cohoes, in Albany county, for an amendment of the law incorporating villages, which was read and referred to the committee on the corporation of cities and villages.

Mr. Wing presented a petition of citizens of the village of Cohoes for a law extending the power of justices of the peace, which was read and referred to the committee on the judiciary.

Mr. J. E. Thompson presented a petition of sundry inhabitants of the town of Tompkins, in the county of Delaware, praying for the erection of a new county from parts of Delaware, Broome, Chenango and Otsego counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Brewer presented a petition of Joseph Wittingham, an alien, of the city of New-York, praying for an act to enable him to hold

and convey real estate, which was read and referred to the committee on petitions of aliens.

Mr. Miller presented a petition of sundry inhabitants of Suffolk co., for an act preventing the taking of eels with seines in the Great South Bay, in Suffolk county, which was read.

On motion of Mr. Miller,

*Ordered*, That the said petition be referred to a select committee.

*Ordered*, That Mr. Miller, Mr. Rose, and Mr. W. S. Smith be such committee.

Mr. Bowen presented a petition of H. K. Toler and others, for the passage of a law authorising the formation of an association for the improvement of the breed of horses, which was read and referred to the committee on agriculture.

Mr. Wells presented a petition of sundry inhabitants of Warren and Saratoga counties, praying for a law authorising the construction of a towing path above the Glensfalls feeder dam, and for other purposes, which was read and referred to the committee on canals.

Mr. Cross presented a memorial of a convention of citizens of Brooklyn for framing a city charter, asking the Legislature to enact the charter therewith submitted into a law.

Mr. Cross moved to refer said memorial to the committee on the incorporation of cities and villages.

Mr. Fiske moved to refer said memorial to a select committee, composed of the members from Kings county.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the affirmative.

Mr. Bagley presented a petition of 73 inhabitants of the town of Lyme, in Jefferson co., against a law to authorise Vincent Le Ray to build a bridge across the Chaumont river, which was read and referred to the committee on roads and bridges.

Mr. Averill presented a petition of citizens of Palatine, Montgomery county, asking for the repeal of a law in relation to a highway through said town, passed in 1847, which was read and referred to the committee on roads and bridges.

Mr. Bagley presented two petition of 94 inhabitants of Jefferson county, praying for a law to authorise Norris M. Woodruff and Samuel Stocking to drain certain lands in the counties of Jefferson and St. Lawrence, which was read and referred to the committee on public lands.

Mr. Fitzhugh presented the petition of citizens of Oswego, for a law authorising the erection of a free bridge across the Oswego river, near its entrance into the lake, which was read and referred to the committee on roads and bridges.

Mr. Culbert presented a petition of citizens of Ephratah, Fulton co., for a law authorising the Fultonville and Johnstown plank road company to bridge the Mohawk, which was read and referred to the committee on roads and bridges.

Mr. Bagley presented a petition of 198 inhabitants of Jefferson county, for an act declaring the Black river in that county a public

highway, which was read and referred to the committee on roads and bridges.

Mr. L. Ward Smith presented six petitions of inhabitants of Monroe, Orleans, Genesee and Livingston counties, for a limitation of the land to be acquired by one person, and exemption of homestead, which was read and referred to a select committee.

*Ordered*, That Mr. L. Ward Smith, Mr. Elwood, Mr. Pruyn, Mr. Beekman, and Mr. McLane, be such committee.

Mr. L. Ward Smith presented three petitions of citizens of Monroe and Orleans counties, for a law exempting the homestead from execution, which was read and referred to a select committee on that subject.

Mr. L. Ward Smith presented three petitions of citizens of Monroe, Livingston and Orleans counties, for a law limiting the time of labor to ten hours per day, which was read and referred to the select committee on that subject.

Mr. Kidd presented a petition of citizens of Westchester co., for a "land limitation law," and an exemption of the homestead from sale by execution, which was read and referred to the select committee on that subject.

Mr. Boughton presented a petition of James Harper and twenty others, praying for the incorporation of the Knickerbocker Bank for savings, in the city of New-York, which was read and referred to the committee on banks and insurance companies.

Mr. Taylor presented a petition of John Black and wife, for an act dissolving their marriage contract, which was read and referred to the committee on the judiciary.

Mr. Willard presented a petition of 38 inhabitants of the town of Scio, in Allegany co., for a division of said town, and that the north half be called Jefferson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Crispell presented two petitions of inhabitants of Saugerties praying for an amendment to the Saugerties and Woodstock turnpike act, which was read and referred to the committee on roads and bridges.

Mr. Averill presented a petition of John W. Haron praying for an act to authorise the canal commissioners to erect a canal bridge on his farm, in the town of Minden, which was read and referred to the committee on roads and bridges.

Mr. Fox from the committee on claims, to which was referred the petition of Mathew Sayre for damages sustained by leakage from the Chemung canal, reported, and asked and obtained leave to bring in a bill, entitled "An act authorising the appraisal and payment of canal damages to Mathew Sayre," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

(*See Doc. No. 25.*)

Mr. Hale from the committee on claims to which was referred the petition of John H. Babcock and others, for damages sustained by

the construction of the Erie canal, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. McLean from the committee on claims, to which was referred the petition of Mariah Johnson and others, heirs at law of William Gall, deceased; a revolutionary soldier, for lands or an equivalent in money; reported, and asked and obtained leave to introduce a bill, entitled "An act for the payment of money to the heirs of William Gall, deceased, for land given to him for his services as a revolutionary soldier," which was read the first time; and by unanimous consent was also read the second time, and committed to a committee of the whole House.

(See Doc. No. 26.)

Mr. Elwood from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Watertown for an amendment of their charter, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend the act to consolidate and amend the charter of the village of Watertown," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bush from the committee on aliens to which was referred the petition of John Ahern and Rose, his wife, aliens, for a law to enable them to grant, hold and devise real estate, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Brewer moved that said report be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Brewer, and it was determined in the affirmative.

Mr. Pruyn from the committee on colleges, academies, and common schools, to which was referred the petition of the trustees of the Genesee Wesleyan seminary, at Lima for an act of incorporation as a college, under the title of "The Genesee University," reported, and asked and obtained leave to introduce a bill, entitled "An act to incorporate the Genesee college," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of supervisors of Chemung co., for a law to loan money to erect a new jail &c., reported, and asked and obtained leave to introduce a bill, entitled "An act authorising the supervisors of the county of Che-

ming to loan money to build a jail and keeper's residence," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of the board of supervisors of Madison co., for an amendment of the law to authorize the building of a court house in said county, reported, and asked and obtained leave to introduce a bill, entitled "An act to amend an act to provide for building a court house in the county of Madison, passed, April 11, 1848," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Boughton from the committee on the judiciary, to which was referred the bill, entitled "An act to amend an act to provide for the election of county treasurers and fix their term of office," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

Mr. Harmon from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled "An act to repeal the act entitled 'An act to change the name of the corporation of the trustees of the fund of the Genesee conference,' passed March 24, 1849, and for other purposes," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole house.

A communication was received from the Canal Commissioners transmitting their annual report in the words following:

*Albany, Jan. 17, 1849.*

*To the Speaker of the Assembly.*

SIR:—The undersigned herewith transmit the annual report of the Canal Commissioners.

Very respectfully,

Your ob't. servants,

NELSON J. BEACH,  
CHARLES COOK,  
JACOB HENDS.

(See Doc, No. 40.)

*Ordered,* That the said report be referred to the committee on canals.

Mr. Fitzhugh moved to print ten times the usual number for the use of the Legislature, and 500 copies for the use of the canal commissioners.

*Ordered,* That the said motion be referred to the committee on public printing.

A communication from the Comptroller in answer to a resolution  
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of this House, passed January 16, in relation to the extinguishment of the general fund debt, was received and referred to the committee on ways and means.

(See Doc. No. 33.)

The annual report of the Bank of Geneva, in relation to unclaimed dividends and deposits, was received and referred to the committee on banks and insurance companies.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be sent to the Assembly, requesting the transmission to the Senate of the papers on file in that body, relating to the claim of Oliver Barker.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, in the words following to wit:

*Resolved*, That a respectful message be sent to the Assembly, requesting that honorable body to transmit to the Senate, the papers relating to an alteration of the charter of the Orange County Mutual Insurance Company.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the resolution therewith delivered, in the words following, to wit:

*Resolved*, (if the Assembly concur) That the two houses of the Legislature proceed on the 6th day of February next, at 12 o'clock at noon, to the election of a United States Senator, in the place of John A. Dix, whose term of service expires on the fourth of March next.

*Ordered*, That the said resolution be laid upon the table.

Mr. Campbell gave notice that he would at an early day ask leave to introduce a bill prescribing the mode of taking private property for the public use, and of ascertaining the value thereof.

Leave of absence was granted to Mr. Tuttle for 10 days; Mr. Guernsey and Mr. Buxton for 6 days each; and to Mr. Whittaker and Mr. Fish for 5 days each.

Mr. Ward gave notice that he would at an early day ask liberty to present a bill making each town liable to pay all expenses that may be caused by the errors of their inspectors of election; and that proper election blanks be furnished to the inspectors of election in each town.

Mr. B. Thompson gave notice that he would at an early day introduce a bill to incorporate the Buffalo Waterworks Company of the city of Buffalo.

In pursuance of previous notice, Mr. A. Johnson asked for and obtained leave to introduce a bill, entitled "An act to amend an act entitled 'An act for the more effectual protection of the property of married women,' and to change the title thereof;" which was read

the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. Disosway,

*Resolved*, That the committee on banks and insurance companies be instructed to report an act which will require and authorize the Comptroller to destroy the 170 plates of the broken safety fund and other bank plates in his possession, and referred to in his annual report, as they cannot be of any further use, and may be used for fraudulent purposes. And that if anything can be obtained for the remains after being thus destroyed, that they may be sold, and the proceeds applied to pay the expenses of the banks.

Mr. Brewer gave notice that he would at an early day ask leave to introduce a bill to tax or assess the existing safety fund banks a sufficient amount to pay in full any and all deficiencies that may be due to the creditors of the Canal Bank of Albany.

The House then proceeded to the consideration of the report of the committee of the whole on the bill entitled "An act giving boards of county canvassers of this state additional powers in the correction of election returns, and to limit the publication of election notices."

The question being upon granting leave to the committee of the whole to sit again on said bill.

Debate was had thereon; when

Mr. Speaker put the question whether the House would grant leave to the committee of the whole to sit again, and it was determined in the affirmative.

The House then again resolved itself into a committee of the whole on the bill entitled "An act for the relief of Avery Z. Kingsley," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fiske from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act to authorize the payment of certain canal damages to Avery Z. Kingsley, executor of Amos Kingsley," which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate entitled "An act to amend an act entitled 'An act to provide for the construction of a railroad from Geneseo to the Genesee Valley canal,'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Graham from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorize the chairman of the board of supervisors of the county of Delaware to convey certain real estate," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Goddard from said committee reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to confirm the official acts of the officers of the town of North Hudson," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Johnson from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

Mr. Goff moved that said bill be referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Goff, and it was determined in the affirmative.

*Ordered*, That Mr. Goff, Mr. W. S. Smith, Mr. Bailey, Mr. Wells, and Mr. Brewer be such committee.

The House then resolved itself into a committee of the whole on the bill entitled "An act to extend the time for county superintendents of the poor, elected in November 1848, to execute and file their official bond, and to take the oath of office, and after some time spent thereon Mr. Speaker resumed the chair, and Mr. Hammond from said committee reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to confirm the official acts of Henry G. Button a justice of the peace of the town of Westville," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Tuttle from said committee reported that the committee had gone through said bill and agreed to the same without amendment.

The question being upon agreeing to the report of the committee of the whole.

Mr. L. Ward Smith moved that the said report be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled "An act conferring jurisdiction upon justices of the peace in the city of Rochester, in actions upon the charter or by-laws of said corporation," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. St. John from said committee reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Brewer moved the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Brewer, and it was determined in the negative.

{ AYES 74 }  
{ NAYS 24 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. Rounseville
Mr. Barber	Mr. Hammond	Mr. Stryker
Mr. Brewer	Mr. M. Johnson	Mr. Terry
Mr. Bush	Mr. McLean	Mr. B. Thompson
Mr. L. Butts	Mr. Miller	Mr. J. E. Thompson
Mr. W. Butts	Mr. Pardee	Mr. Van Orden
Mr. Campbell	Mr. Pierce	Mr. Ward
Mr. Culbert	Mr. Rockwell	Mr. Wilcox

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Those who voted in the negative are,

Mr. Averill	Mr. Green	Mr. A. Robertson
Mr. Bagley	Mr. Harmon	Mr. W. H. Robertson
Mr. Bailey	Mr. Hart	Mr. St. John
Mr. Beekman	Mr. Hoyt	Mr. Sexton
Mr. Bellinger	Mr. Hudson	Mr. Skeel
Mr. Boardman	Mr. A. Johnson	Mr. Slocum
Mr. Bogart	Mr. Kelsey	Mr. L. Ward Smith
Mr. Boughton	Mr. Kennedy	Mr. W. S. Smith
Mr. Bowen	Mr. Kidd	Mr. Stevens
Mr. Brinkerhoff	Mr. Leavenworth	Mr. Stevenson
Mr. Button	Mr. McKinney	Mr. Stewart
Mr. Carver	Mr. Maine	Mr. Strever
Mr. Clark	Mr. Marsh	Mr. H. C. Tuthill
Mr. Crispell	Mr. Mersereau	Mr. Van Auken
Mr. Crittenden	Mr. Moffatt	Mr. Varnum
Mr. Disosway	Mr. Nash	Mr. Vincent
Mr. Elderkin	Mr. Pease	Mr. Wells
Mr. Fiske	Mr. Perley	Mr. Wheaton
Mr. Fitzhugh	Mr. Picket	Mr. White
Mr. Folger	Mr. Porter	Mr. Willard
Mr. Gates	Mr. Pruyn	Mr. Wing
Mr. A. Gilbert	Mr. Quackenboss	Mr. Wisewell
Mr. Glass	Mr. Raynor	Mr. Woodruff
Mr. Goddard	Mr. Richards	Mr. Young
Mr. Goff	Mr. Roblee	

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The House then resolved itself into a committee of the whole on the engrossed bill from the Senate entitled "An act to amend an act entitled 'An act to incorporate the American Baptist Home Mission Society,'" passed April 12, 1843, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Gilbert from said committee, reported progress, and asked for and obtained leave to set again.

And then at 2 o'clock p. m.,

On motion of Mr. L. Ward Smith,  
The House adjourned.

FRIDAY, JANUARY 19, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Clark.

The minutes of yesterday were read and approved.

Mr. L. Ward Smith presented the petition of the board of supervisors of Monroe county, for the passage of an act authorizing the sale of lands for unpaid taxes in that county, to be held in said county, which was read and referred to the select committee on that subject.

Mr. Pierce presented the memorial of the mayor and aldermen of the city of Utica, for the passage of a law authorizing the election of a supervisor in each of the wards of said city, which was read and referred to the committee of the whole when upon the bill on that subject.

Mr. M. Johnson presented the petition of sundry inhabitants of Newfane, Niagara county, for an act to incorporate an association by the name of the Newfane centre burial ground, for certain purposes, which was read and referred to the committee on charitable and religious societies.

Mr. Boughton presented the remonstrance of the delegates from the 8th and 9th wards of the city of Brooklyn, on behalf of the people of said wards against the proposed new charter for said city, and also a communication to the Legislature from the minority of the committee appointed to forward a copy of the proposed new charter for the city of Brooklyn, which was read.

Mr. Boughton moved that said remonstrance and communication be referred to a select committee.

Mr. Cross moved that they be referred to the committee on the incorporation of cities and villages.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the affirmative.

Mr. Boughton moved that said remonstrance and communication be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Boughton, and it was determined in the affirmative.

Mr. Harmon presented the petition of E. Goss and N. T. Rochester, chairman and clerk of the board of supervisors of Monroe co., for an act to fix the salary of county treasurer without restriction, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Kelsey presented the petition of E. Goss and N. T. Rochester, chairman and clerk of the board of supervisors of Monroe co., for an act to raise money to build a surrogate's and treasurer's office in that county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Nash presented the petition of the president of the Chemung Railroad Company, to change the position of the Chemung canal, the expense to be paid by said railroad company, which was read and referred to the committee on canals.

Mr. Wisewell presented the petition of 45 inhabitants of Yates co., for a law abolishing capital punishment, which was read and laid on the table.

Mr. Richards presented two several petitions of sundry inhabitants of Wyoming, for a bridge over the Genesee river on the line between the counties of Wyoming, Livingston and Allegany, which was read and referred to the committee on roads and bridges.

Mr. Richards presented the petition of Helen E. Hill, for a law releasing the interest of the state in certain lands in Sheldon, Wyoming co., which was read and referred to the committee on the judiciary.

Mr. Wells presented the petition of Moses Randall, executor of the last will and testament of James Roberts, late of Luzerne, Warren county, for an act confirming certain acts of his as executor, which was read and referred to the committee on the judiciary.

Mr. Sexton presented the petition of 109 electors of the town of Seward, in relation to their town house, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Perley presented the petition of sundry inhabitants of the city of New-York, asking for the removal of powder magazines in said city, which was read and referred to a select committee composed of the New-York delegation.

Mr. Slocum presented the petition of Oliver Teall, for an act indemnifying him against loss sustained in consequence of being deprived of certain surplus waters leased by him of the state, which was read and referred to the committee on canals.

Mr. Disosway presented the petition of the Richmond county militia, to be erected into a separate battalion, which was read and referred to the committee on militia and public defence.

Mr. Averill presented the petition of sundry inhabitants of Montgomery county, asking for a law authorizing the supervisors of said county to contract with the supervisors of Albany county, to take and keep prisoners convicted in Montgomery county in the penitentiary of Albany county, which was read and referred to the committee on state prisons.

Mr. McLean presented the petition of James R. Clark, for relief from damages sustained by libel suit in the exposition of canal frauds, which was read and referred to the committee on claims.

Mr. Bush, from the committee on the petitions of aliens, to which was referred the engrossed bill from the Senate entitled "An act for the relief of the devisees of John Ballantine an alien, deceased, late of the county of St. Lawrence," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole house.

Mr. W. S. Smith, from the committee on ways and means, to which was referred the annual report of the Comptroller, reported, and offered for the consideration of the House, resolutions in the words following, to wit:

*Resolved*, That so much of the annual report of the Comptroller as relates to the canals and the appropriation of the canal revenues, be referred to the standing committee on canals.

That so much thereof as relates to the Literature, Common School and United States Deposit Fund, be referred to the committee on colleges, academies, and common schools.

That so much thereof as relates to banks and insurance companies, and the banking system of the state, be referred to the committee on banks and insurance companies.

That so much thereof as relates to railroads and the several sinking funds belonging thereto, be referred to the committee on railroads.

That so much thereof as relates to Indians and their annuities be referred to the standing committee on Indian affairs.

That so much thereof as relates to state prisons, and the expenses of transporting convicts, be referred to the committee on state prisons.

That so much thereof as relates to constables attending the supreme court, be referred to the committee on the judiciary.

That so much thereof as relates to taxes, the valuation of real and personal property, the sales of land for taxes titles by tax, sales and defects in the tax books, be referred to the select committee on assessments, taxes, &c.

That so much thereof as relates to auctions, auctioneers and auction duties; be referred to the standing committee on trade and manufactures.

That so much thereof as relates to the new state arsenal in the city of New-York, be referred to the committee on the militia and public defence.

*Resolved*, That the committee on ways and means be discharged from the further consideration of so much of the Comptroller's report as embraces the foregoing subjects.

Mr. Speaker put the question whether the House would agree to the said resolutions, and it was determined in the affirmative.

Mr. Boughton, from the committee on the judiciary, to which was referred the bill entitled "An act to increase the compensation of witnesses in justices' courts," reported that the committee had examined said bill and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Boughton, from the committee on the judiciary, to which was referred the bill entitled "An act further to amend an act entitled 'An act to abolish imprisonment for debt, and to punish fraudulent debtors,'" reported that the committee had examined said bill, and

ne to the conclusion that the same ought not to be passed into law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Bush from the committee on the petitions of aliens, to which was referred the petition of Joseph Whittingham of the city of Newark, an alien, for relief and for a law to enable him to hold and convey real estate, reported against the prayer of the petitioner, and ordered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bush from the committee on the petitions of aliens, to which was referred the engrossed bill from the Senate entitled "An act for relief of the devisees of Henry McCullough deceased, an alien, of the county of St. Lawrence," reported that the committee examined said bill and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Campbell from the committee on banks and insurance companies to which was referred the petition of the East River Savings Institution of the city of New-York, praying for an amendment of its charter, reported, and asked, and obtained leave to bring in a bill entitled "An act to amend an act to incorporate the East River Savings institution, passed April 11, 1848," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Hale from the committee on claims, to which was referred the petition of Lewis S. Ayers, of Milo, Yates co., praying for extra pay as superintendent of the canal, reported against the prayer of said petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hale from the committee on claims, to which was referred the petition of sundry inhabitants of the county of Yates, praying for a law to compensate Miles Benham for extra services as a superintendent of the Crooked Lake canal, reported against the prayer of said petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Goff from a select committee, to which was referred the bill



entitled "An act to confirm the official acts of the officers of the town of North Hudson," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act to confirm the official acts of the officers of the town of North Hudson, elected at, and to legalize the town meeting held therein on the third Tuesday of April, 1848," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Terry, from the select committee, to which was referred the petition of Moses Randall, praying for relief from an unjust assessment upon personal property in the town of Clymer, Chautauque, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. McKinney, from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act conferring jurisdiction on justices of the peace in the city of Rochester, in actions upon the charter or by-laws of said corporation."

"An act to extend the time for county superintendents of the poor, elected in November, 1848, to execute and file their official bond and to take the oath of office."

"An act to authorise the payment of certain damages to Avery Z. Kingsley, executor of Amos Kingsley."

"An act to authorise the chairman of the board of supervisors of the county of Delaware, to convey certain real estate."

And found the same severally correctly engrossed.

*Ordered*, That said bills be read a third time.

Mr. Mersereau, from the standing committee on public printing, to which was referred the motion to print ten times the usual number of the report of the canal commissioners, for the use of the Legislature and 500 copies for the use of the commissioners, reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of the said report be printed for the use of the Legislature, and five hundred for the use of the commissioners.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Governor, was received and read, in the words following, to wit:

EXECUTIVE CHAMBER,  
Albany, January 18, 1849. }

THE ASSEMBLY:

I have this day approved and signed the bills, entitled as follows,  
wit:

"An act to incorporate the trustees of the Astor library.

"An act to provide for filling up the stock of the Firemen's Insurance company of the city of Albany, and reducing the number of directors."

HAMILTON FISH.

A communication was received from the Young Men's Association, the city of Albany, in the words following, to wit:

Albany, Jan. 18, 1849.

the Honorable the Legislature

of the State of New-York :

Gentlemen: The managers of the "Young Men's Association" of this city, would respectfully tender to your honorable body, the use of their reading rooms, situated in the Exchange, over the post-office; during their session, this winter.

Very respectfully,

M. W. L'AMOREAUX,

Corresponding Sec'y.

A communication was received from the superintendent of common schools, transmitting the annual report of the managers of the New-York Institution for the Blind, and read in the words following, wit:

Secretary's Office,  
DEPARTMENT OF COMMON SCHOOLS. }

Albany, January 18, 1849.

THE HON. AMOS K. HADLEY,

Speaker of the Assembly.

SIR: I transmit herewith the annual report of the managers of the New-York Institution for the Blind.

Very respectfully your ob't servant

CHRISTOPHER MORGAN,

Superintendent of Common Schools.

(See Doc. No. 31.)

Ordered, That the said report be referred to the committee on charitable and religious societies.

Mr. Campbell moved that ten times the usual number be printed for the use of the Legislature, and 250 for the use of the Institution.

Mr. Harmon moved that three times the usual number be printed for the use of the Legislature, and 200 for the Institution, and 50 for the Secretary of State.

Ordered, That the said motions be referred to the committee on public printing.

The engrossed bill, entitled "An act conferring jurisdiction upon justices of the peace in the city of Rochester in actions upon the charter or by-laws of said corporation," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 107 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Prescott
Mr. Averill	Mr. Glass	Mr. Pruyn
Mr. Bagley	Mr. Goddard	Mr. Quackenboss
Mr. Bailey	Mr. Goff	Mr. Raynor
Mr. Barber	Mr. Gove	Mr. Richards
Mr. Beekman	Mr. Graham	Mr. Roblee
Mr. Bellinger	Mr. Green	Mr. W. H. Robertson
Mr. Boardman	Mr. Hall	Mr. Rounseville
Mr. Bogart	Mr. Hammond	Mr. St. John
Mr. Boughton	Mr. Harmon	Mr. Sexton
Mr. Bowen	Mr. Hart	Mr. Skeel
Mr. Boyce	Mr. Hoyt	Mr. Stocum
Mr. Brinkerhoff	Mr. Hudson	Mr. Smalley
Mr. Brewer	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Budd	Mr. M. Johnson	Mr. Speaker
Mr. Bull	Mr. Kelsey	Mr. Stevens
Mr. Bush	Mr. Kennedy	Mr. Stevenson
Mr. Button	Mr. Kidd	Mr. Stewart
Mr. L. Butts	Mr. Leavenworth	Mr. Strever
Mr. W. Butts	Mr. McKinney	Mr. Stryker
Mr. Campbell	Mr. McLean	Mr. Taylor
Mr. Carver	Mr. McNeal	Mr. Terry
Mr. Crispell	Mr. Maine	Mr. B. Thompson
Mr. Crittenden	Mr. Markel	Mr. H. C. Tuthill
Mr. Cross	Mr. Marsh	Mr. Van Orden
Mr. Culbert	Mr. Mersereau	Mr. Varnum
Mr. Curtis	Mr. Miller	Mr. Vincent
Mr. Danforth	Mr. Moffatt	Mr. Ward
Mr. Disosway	Mr. Mowry	Mr. Wells
Mr. Elderkin	Mr. Nash	Mr. Wheaton
Mr. Elwood	Mr. Pardee	Mr. White
Mr. Fiske	Mr. Pease	Mr. Willard
Mr. Fitzhugh	Mr. Perley	Mr. Wilcox
Mr. Folger	Mr. Picket	Mr. Woodruff
Mr. Fox	Mr. Pierce	Mr. Young
Mr. Gates	Mr. Porter	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to extend the time for county perintendants of the poor elected in November, 1848, to execute and file their official bond and to take the oath of office," was read third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 101 }  
{ NAYS 06 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Pierce
Mr. Averill	Mr. L. M. Gilbert	Mr. Porter
Mr. Bagley	Mr. Glass	Mr. Prescott
Mr. Bailey	Mr. Goddard	Mr. Pruyn
Mr. Barber	Mr. Goff	Mr. Quackenboss
Mr. Beekman	Mr. Gove	Mr. Raynor
Mr. Bellinger	Mr. Graham	Mr. Roblee
Mr. Boardman	Mr. Green	Mr. A. Robertson
Mr. Bogart	Mr. Hall	Mr. W. H. Robertson
Mr. Boughton	Mr. Hammond	Mr. Rounseville
Mr. Bowen	Mr. Harmon	Mr. Sexton
Mr. Boyce	Mr. Hart	Mr. Skeel
Mr. Brinkerhoff	Mr. Hoyt	Mr. Slocum
Mr. Brewer	Mr. Hudson	Mr. L. Ward Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Stewart
Mr. W. Butts	Mr. Kidd	Mr. Stryker
Mr. Campbell	Mr. Leavenworth	Mr. Taylor
Mr. Carver	Mr. McKinney	Mr. Terry
Mr. Crispell	Mr. McLean	Mr. B. Thompson
Mr. Crittenden	Mr. McNeal	Mr. J. E. Thompson
Mr. Culbert	Mr. Maine	Mr. H. C. Tuthill
Mr. Curtis	Mr. Markel	Mr. Varnum
Mr. Danforth	Mr. Mersereau	Mr. Vincent
Mr. Disosway	Mr. Miller	Mr. Ward
Mr. Elderkin	Mr. Moffatt	Mr. Wheaton
Mr. Elwood	Mr. Mowry	Mr. Willard
Mr. Fiske	Mr. Nash	Mr. Wilcox
Mr. Fitzhugh	Mr. Pardee	Mr. Wing
Mr. Folger	Mr. Pease	Mr. Wisewell
Mr. Fox	Mr. Perley	Mr. Young
Mr. Gates	Mr. Picket	

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Those who voted in the negative are,

Mr. Richards	Mr. Van Orden	Mr. Woodruff
Mr. St. John	Mr. Wells	

**Ordered,** That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorize the Chairman of the board of supervisors of the county of Delaware to convey certain real estate," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows :

{ AYES 109 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Pruyn
Mr. Averill	Mr. Goddard	Mr. Quackenboss
Mr. Bagley	Mr. Goff	Mr. Raynor
Mr. Bailey	Mr. Gove	Mr. Richards
Mr. Barber	Mr. Graham	Mr. Roblee
Mr. Beekman	Mr. Green	Mr. A. Robertson
Mr. Bellinger	Mr. Hall	Mr. W. H. Robertson
Mr. Boardman	Mr. Hammond	Mr. Rounseville
Mr. Bogart	Mr. Harmon	Mr. St. John
Mr. Boughton	Mr. Hart	Mr. Sexton
Mr. Bowen	Mr. Hoyt	Mr. Skeel
Mr. Boyce	Mr. Hudson	Mr. Slocum
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Smalley
Mr. Brewer	Mr. M. Johnson	Mr. Speaker
Mr. Budd	Mr. Kelsey	Mr. Stevens
Mr. Bull	Mr. Kennedy	Mr. Stevenson
Mr. Bush	Mr. Kidd	Mr. Stewart
Mr. Button	Mr. Leavenworth	Mr. Strever
Mr. L. Butts	Mr. McKinney	Mr. Stryker
Mr. W. Butts	Mr. McLean	Mr. Taylor
Mr. Campbell	Mr. McNeal	Mr. Terry
Mr. Carver	Mr. Maine	Mr. B. Thompson
Mr. Crispell	Mr. Markel	Mr. J. E. Thompson
Mr. Crittenden	Mr. Marsh	Mr. H. C. Tuthill
Mr. Culbert	Mr. Mersereau	Mr. Van Orden
Mr. Curtis	Mr. Miller	Mr. Varnum
Mr. Danforth	Mr. Moffatt	Mr. Vincent
Mr. Disosway	Mr. Mowry	Mr. Ward
Mr. Elderkin	Mr. Nash	Mr. Wells
Mr. Elwood	Mr. Roblee	Mr. Wheaton
Mr. Fiske	Mr. Pease	Mr. Willard
Mr. Fitzhugh	Mr. Perley	Mr. Wilcox
Mr. Folger	Mr. Picket	Mr. Wing
Mr. Fox	Mr. Pierce	Mr. Wisewell
Mr. Gates	Mr. Porter	Mr. Woodruff
Mr. A. Gilbert	Mr. Prescott	Mr. Young
Mr. L. M. Gilbert		

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorise the payment of certain canal damages to Avery Z. Kingsley executor of Amos Kingsley," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, by a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 105 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Porter
Mr. Averill	Mr. Glass	Mr. Prescott
Mr. Bagley	Mr. Goddard	Mr. Pruyn
Mr. Bailey	Mr. Goff	Mr. Quackenboss
Mr. Barber	Mr. Gove	Mr. Raynor
Mr. Beekman	Mr. Graham	Mr. Richards
Mr. Bellinger	Mr. Green	Mr. Roblee
Mr. Boardman	Mr. Hall	Mr. A. Robertson
Mr. Bogart	Mr. Hammond	Mr. W. H. Robertson
Mr. Boughton	Mr. Harmon	Mr. St. John
Mr. Bowen	Mr. Hart	Mr. Sexton
Mr. Boyce	Mr. Hoyt	Mr. Speaker
Mr. Brinkerhoff	Mr. Hudson	Mr. Stevens
Mr. Brewer	Mr. A. Johnson	Mr. Stevenson
Mr. Budd	Mr. M. Johnson	Mr. Stewart
Mr. Bush	Mr. Kelsey	Mr. Strever
Mr. Button	Mr. Kennedy	Mr. Stryker
Mr. L. Butts	Mr. Kidd	Mr. Taylor
Mr. W. Butts	Mr. Leavenworth	Mr. Terry
Mr. Campbell	Mr. McKinney	Mr. B. Thompson
Mr. Carver	Mr. McLean	Mr. J. E. Thompson
Mr. Crispell	Mr. McNeal	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Maine	Mr. Van Orden
Mr. Culbert	Mr. Markel	Mr. Varnum
Mr. Curtis	Mr. Marsh	Mr. Vincent
Mr. Danforth	Mr. Mersereau	Mr. Ward
Mr. Disosway	Mr. Miller	Mr. Wells
Mr. Elderkin	Mr. Moffatt	Mr. Wheaton
Mr. Elwood	Mr. Mowry	Mr. White
Mr. Fiske	Mr. Nash	Mr. Willard
Mr. Fitzhugh	Mr. Pardee	Mr. Wilcox
Mr. Folger	Mr. Pease	Mr. Wing
Mr. Fox	Mr. Perley	Mr. Wisewell
Mr. Gates	Mr. Picket	Mr. Woodruff
Mr. A. Gilbert	Mr. Pierce	Mr. Young

For the negative,

Mr. Rounseville

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to amend an act, entitled 'An act to provide for the construction of a railroad from Geneseo to the Genesee Valley Canal,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 108 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Pruyn
Mr. Averill	Mr. Goddard	Mr. Quackenboss
Mr. Bagley	Mr. Goff	Mr. Raynor
Mr. Bailey	Mr. Gove	Mr. Richards
Mr. Barber	Mr. Graham	Mr. Roblee
Mr. Beekman	Mr. Green	Mr. A. Robertson
Mr. Bellinger	Mr. Hall	Mr. W. H. Robertson
Mr. Boardman	Mr. Hammond	Mr. Rounseville
Mr. Bogart	Mr. Harmon	Mr. St. John
Mr. Boughton	Mr. Hart	Mr. Sexton
Mr. Bowen	Mr. Hoyt	Mr. Smalley
Mr. Boyce	Mr. Hudson	Mr. W. S. Smith
Mr. Brewer	Mr. A. Johnson	Mr. Speaker
Mr. Budd	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Stewart
Mr. L. Butts	Mr. Kidd	Mr. Strever
Mr. W. Butts	Mr. Leavenworth	Mr. Stryker
Mr. Campbell	Mr. McKinney	Mr. Taylor
Mr. Carver	Mr. McLean	Mr. Terry
Mr. Crispell	Mr. McNeal	Mr. B. Thompson
Mr. Crittenden	Mr. Maine	Mr. J. E. Thompson
Mr. Cross	Mr. Markel	Mr. H. C. Tuthill
Mr. Culbert	Mr. Marsh	Mr. Van Orden
Mr. Curtis	Mr. Mersereau	Mr. Varnum
Mr. Danforth	Mr. Miller	Mr. Vincent
Mr. Disosway	Mr. Moffatt	Mr. Ward
Mr. Elderkin	Mr. Mowry	Mr. Wells
Mr. Elwood	Mr. Nash	Mr. Wheaton
Mr. Fiske	Mr. Pardee	Mr. White
Mr. Fitzhugh	Mr. Pease	Mr. Willard
Mr. Folger	Mr. Perley	Mr. Wilcox
Mr. Fox	Mr. Picket	Mr. Wing

Mr. Gates	Mr. Pierce	Mr. Wisewell	
Mr. A. Gilbert	Mr. Porter	Mr. Woodruff	
Mr. L. M. Gilbert	Mr. Prescott	Mr. Young	108

**Ordered,** That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. Pruyn gave notice that he would, at an early day, ask leave to bring in a bill making an appropriation for the support in part of the Orphan Asylums in the cities of Albany and Troy.

On motion of Mr. Bush,

**Resolved,** That the standing committee on banks and insurance companies be requested to inquire into and report upon the propriety of amending section four of the act in relation to the redemption of bank notes, passed May 4, 1840.

On motion of Mr. Perley,

**Resolved,** That the sheriff of the city and county of New-York, be and is hereby directed to report to this House the amount of sales under foreclosure of mortgages made by him, together with the amount of fees received by him on such sales; also, the amount of moneys remaining in his hands as such sheriff, and the security given by him therefor.

Mr. Button offered for the consideration of the House concurrent resolutions in the following words, to wit:

**WHEREAS** under existing regulations by which postmasters are dependent for their appointment and continuance in office upon the general national administration, great abuse is practised, and postmasters are made the tools of party rather than the servants of the people; and whereas, entire confidence may be reposed in the integrity of the people and in their qualifications to select those who shall serve them in the capacity of postmasters, as well as all other offices, therefore

**Resolved,** (if the Senate concur,) That our Senators in Congress be instructed, and that our representatives in Congress from this State be requested to use their best efforts to procure the passage of a law giving the people power to elect postmasters.

**Resolved,** (if the Senate concur,) That the President of the Senate and the Speaker of the Assembly, be requested to transmit a copy of the foregoing resolutions to each of the said Senators and Representatives.

**Ordered,** That the said resolutions be laid on the table.

On motion of Mr. W. S. Smith,

**Ordered,** That the said resolutions be printed.

In pursuance of previous notice, Mr. Beekman asked for and obtained leave to introduce a bill, entitled "An act to protect apprentices and operatives in manufactories," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee having charge of the ten hour bill.

In pursuance of previous notice Mr. W. H. Robertson asked for and obtained leave to introduce a bill, entitled "An act to amend



the thirty-seventh section of article third; title first, chapter eighth, part second of the Revised Statutes, in relation to the dissolution of the marriage contract," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice Mr. B. Thompson asked for and obtained leave to introduce a bill, entitled "An act to incorporate the Buffalo Water Works company," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

In pursuance of previous notice, Mr. Carver asked for and obtained leave to introduce a bill, entitled "An act to provide for the appointment of a commissioner to administer oaths and take affidavits of the officers of the Clinton prison," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. White gave notice that he would at an early day ask leave to introduce a bill to amend an act, entitled "An act to authorise the formation of the Niagara Falls house company," passed March 24, 1848.

Mr. McLean gave notice that he would at some early day ask leave to introduce a bill to amend an act, entitled "An act to incorporate the Genesee Wesleyan Seminary," passed May 1, 1834.

Mr. Harmon gave notice that he would at some early day introduce a bill to amend an act, entitled "An act to require superintendents of the poor to give bonds."

On motion of Mr. Pardee,

*Resolved*, That the late president of the State Agricultural Society be requested to furnish to this House for publication a copy of his able Agricultural address, delivered in the Assembly chamber before the society, on the evening of the 18th inst.

On motion of Mr. B. Thompson,

*Resolved*, That the papers on file relating to the proposed amendments of the charter of the Farmers' Mutual Insurance company of Erie co., be taken from the files of this House and referred to the committee on banks and insurance companies.

Mr. Pruyn offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That from and after the 14th day of February next this House will meet at 10 o'clock, a. m.

*Ordered*, That the said resolution be laid on the table.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to pay Joshua B. Van Deusen and Francis Bates, certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hiers, an escaped convict," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Robertson from said committee, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act declaratory of the law, as to the time of payment of sight bills of exchange and promissory notes, payable on demand," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Wells from said committee reported progress and asked for and obtained leave to sit again.

And then, at two o'clock, p. m.,

On motion of Mr. Barber,

The House adjourned.

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## SATURDAY, JANUARY 20, 1849.

The house met pursuant to adjournment.

Prayer by the Rev. Mr. Brown.

The minutes of yesterday were read and approved.

Mr. Cross presented the petition of Thomas S. Denike and others, citizens of Brooklyn, praying for an act to close and discontinue an old street called Navy-street, in that city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Varnum presented the petition of James Hay, a citizen of the United States, praying for a release of the Leake escheat, which was read and referred to the committee on the judiciary.

Mr. Raynor presented the petition of sundry citizens of Erie co., for a new town, from parts of the town of Black Rock, Hamburg and Cheektowaga, in said county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Richards presented the petition of Hiram W. Jackson, for an act to confirm his acts as superintendent of schools in the town of China, Wyoming co., which was read and referred to the committee on the judiciary.

Mr. Wells presented the petition of 99 inhabitants of the county of Allegany, for the removal of the county seat to Philipsville, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Willard presented two several petitions of sundry inhabitants of Allegany co., for the removal of the county seat from Angelica to Philipsville, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Varnum presented the petition of Peter McEntee, for compensation as informer of the escheat of lands of John Gunton, which was read and referred to the committee on the petitions of aliens.

Mr. Boughton presented the remonstrance of William Armour, against the act relative to the estate of John Armour, late of Flatbush, deceased, which was read and referred to the committee on the petitions of aliens.

Mr. Mercereau presented the petition of the Presbyterian church at Bath, praying for relief by the passage of an act to enable them to make certain repairs and improvements on their church, which was read and referred to the committee on charitable and religious societies.

Mr. Elwood presented the petition of the Oneida Bank, praying for par redemption in New-York, which was read and referred to the committee on banks and insurance companies.

Mr. Picket presented the petition of 50 citizens of the town of Canton, praying for a law establishing the day's labor at 10 hours, which was read and referred to the select committee on that subject.

Mr. Fitzhugh presented the petition of the Northern Railroad Company, praying for an amendment of its charter, and an increase of its capital stock, with power to bridge Lake Champlain at Rouses Point.

Mr. Fitzhugh moved that the said petition be referred to a select committee.

Mr. Carver moved that the said petition be referred to the committee on railroads.

Mr. Mowry moved that the question of reference be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Mowrey, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Carver, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Fitzhugh, and it was determined in the affirmative.

Mr. Bagley from the committee on the judiciary to which was referred the bill entitled "An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole.

Mr. Bagley, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act in relation to pardons," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Ward from the committee on claims, to which was referred the petition of Matthew S. Pitcher, praying for an appraisalment of damages to lands by the overflowing of the Champlain canal, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

**Resolved,** That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. St. John, from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows:

"An act to confirm the official acts of the officers of the town of North Hudson elected at and to legalize the town meeting held thereon on the third Tuesday of April, 1848;"

"An act to pay Joshua B. Van Deusen and Francis Bates certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hiers, an escaped convict;"

And found the same severally correctly engrossed.

**Ordered,** That the said bills be read a third time.

Mr. Button from the committee on colleges, academies and common schools, to which was referred the petition of the trustees of the St. Lawrence academy, asking for the establishment of a normal school in their academy," reported, and asked for and obtained leave to bring in a bill, entitled "An act appropriating money to the St. Lawrence academy," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

(See Doc. No. 34.)

Mr. St. John from the committee on the internal affairs of towns and counties to which was referred the petition of inhabitants of Ulster county, for a law to prevent fishing with nets and seines in the town of Rosendale, reported, and asked for and obtained leave to bring in a bill, entitled "An act to regulate fisheries in the town of Rosendale, in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bagley from the committee on the judiciary to which was referred the petition of Isabella Gilchrist, for a law to authorise her to hold and convey real estate, reported and asked for and obtained leave to bring in a bill, entitled "An act to authorise Isabella Gilchrist to hold and convey real estate," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Mersereau from the committee on public printing, to which was referred the motion to print ten times the usual number of the annual report of the managers of the New-York Institution for the Blind for the use of the Legislature, and 250 for the use of the Institution, and also the motion to print three times the usual number of the said report for the use of the Legislature and 200 for the Institution and 50 for the Secretary of State, reported, and offered for the consideration of the house a resolution in the words following, to wit:

**Resolved,** That five times the usual number of the said report be

printed for the use of the Legislature, 200 copies for the use of the Institution, and 50 copies for the Secretary of State.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Taylor from the committee on the petitions of aliens, reported the bill, entitled "An act to amend an act to enable resident aliens to hold and convey real estate, and for other purpose," which was read the first time, and by unanimous consent was also read a second time and committed to a committee of the whole House.

A joint communication from the Governor and Comptroller in relation to the moneys for the support of the fever and small pox hospital at Quarantine was received and referred to the committee on ways and means.

(See Doc. No. 39.)

The annual report of the Mechanics and Farmers' Bank of the city of Albany, in relation to unclaimed dividends and deposits, was received and referred to the committee on banks and insurance companies.

A communication from the Secretary of the New-York State Agricultural Society, transmitting the address of Lewis F. Allen, before said society, in the words following, to wit:

NEW-YORK STATE AGRICULTURAL SOCIETY }  
*Agricultural Rooms,*  
*Albany, January 19, 1849.* }

HON. A. K. HADLEY,

*Speaker of the Assembly.*

DEAR SIR:—Lewis F. Allen, Esq., late President, having presented to the Executive committee a resolution of your honorable body for "a copy of his able address, delivered on the evening of the 18th instant, before the Society for publication," I am instructed by the Executive Committee to return to the Hon. the Assembly, their most sincere thanks for this testimonial of approbation to the cause of Agriculture, and to the Society whose interests they are endeavoring to promote, as well as to the late respected President of our Society; and that they most cheerfully comply with the request presented. I send herewith a copy of the address, which had been delivered over to our Society by the President, Mr. Allen, previous to his reception of the resolution of your honorable body.

I have the honor to be,

Most respectfully,

Your obt. servt.,

B. P. JOHNSON,

*Cor. Sec'y of the N. Y. S. Ag. Society.*

Mr. Pardee moved that twenty times the usual number of said agricultural address be printed for the use of the Legislature.

Mr. Maine moved that 500 be printed for the State Agricultural Society.

*Ordered*, That the said motions be referred to the committee on public printing.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be sent to the Assembly, requesting the transmission to the Senate of the papers on file in that House in relation to John Haggarty and others, stockholders of the Cayuga Bridge Company.

Mr. Speaker put the question whether the House would agree to the said resolutions, and it was determined in the affirmative.

A message from the Senate was received and read, in the words following to wit:

*Resolved*, That a respectful message be sent to the Hon. the Assembly, requesting the transmission of the papers on file in that House relating to the claim of Isaac Ledyard and John P. Matthews.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to incorporate the members of the east Genesee annual conference of the Methodist Episcopal Church;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

"An act to authorise the abatement of a nuisance on lands owned by the people of the state of New-York and other lands in the city of Syracuse;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on canals.

"An act authorising county judges to change the times for holding the county courts in and for their respective counties;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The engrossed bill, entitled "An act to pay Joshua B. Van Deusen and Francis Bates certain sums of money for fines, costs and expenses paid by them in consequence of taking Barney Hiers, an escaped convict," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 85 }  
{ NAYS 06 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fox	Mr. Pardee
Mr. Averill	Mr. Gates	Mr. Picket
Mr. Bagley	Mr. A. Gilbert	Mr. Pierce
Mr. Bailey	Mr. L. M. Gilbert	Mr. Pruyn

Mr. Barber	Mr. Glass	Mr. Quackenboss
Mr. Bellinger	Mr. Goddard	Mr. Raynor
Mr. Boardman	Mr. Gove	Mr. Richards
Mr. Bogart	Mr. Graham	Mr. Roblee
Mr. Boughton	Mr. Green	Mr. A. Robertson
Mr. Bowen	Mr. Hale	Mr. W. H. Robertson
Mr. Boyce	Mr. Harmon	Mr. Rounseville
Mr. Brinkerhoff	Mr. Hart	Mr. L. Ward Smith
Mr. Brewer	Mr. Hoyt	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Stevenson
Mr. Bush	Mr. M. Johnson	Mr. Stewart
Mr. Button	Mr. Kelsey	Mr. Stryker
Mr. L. Butts	Mr. Kidd	Mr. Taylor
Mr. W. Butts	Mr. Leavenworth	Mr. Terry
Mr. Campbell	Mr. McKinney	Mr. J. E. Thompson
Mr. Carver	Mr. McLean	Mr. H. C. Tuthill
Mr. Crispell	Mr. McNeal	Mr. Varnum
Mr. Crittenden	Mr. Maine	Mr. Ward
Mr. Cross	Mr. Markel	Mr. Wells
Mr. Danforth	Mr. Marsh	Mr. Wheaton
Mr. Elderkin	Mr. Mersereau	Mr. White
Mr. Elwood	Mr. Miller	Mr. Wisewell
Mr. Fiske	Mr. Moffatt	Mr. Woodruff
Mr. Fitzhugh	Mr. Nash	Mr. Young
Mr. Folger		

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Those who voted in the negative are,

Mr. Goff	Mr. Mowry	Mr. St. John
Mr. Kennedy	Mr. Porter	Mr. Slocum

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to confirm the official acts of the officers of the town of North Hudson, elected at, and to legalize the town meeting held therein on the third Tuesday April, of 1848," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 101 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Pruyn
Mr. Averill	Mr. L. M. Gilbert	Mr. Quackenboss
Mr. Bagley	Mr. Glass	Mr. Raynor
Mr. Bailey	Mr. Goddard	Mr. Richards
Mr. Barber	Mr. Goff	Mr. Roblee
Mr. Beekman	Mr. Gove	Mr. A. Robertson

Mr. Bellinger	Mr. Graham	Mr. W. H. Robertson
Mr. Boardman	Mr. Green	Mr. Rounseville
Mr. Bogart	Mr. Hall	Mr. St. John
Mr. Boughton	Mr. Harmon	Mr. Slocum
Mr. Bowen	Mr. Hart	Mr. L. Ward Smith
Mr. Boyce	Mr. Hoyt	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Stevens
Mr. Brewer	Mr. M. Johnson	Mr. Stevenson
Mr. Budd	Mr. Kelsey	Mr. Stewart
Mr. Bush	Mr. Kennedy	Mr. Strever
Mr. Button	Mr. Kidd	Mr. Stryker
Mr. L. Butts	Mr. McKinney	Mr. Taylor
Mr. W. Butts	Mr. McLean	Mr. Terry
Mr. Campbell	Mr. McNeal	Mr. B. Thompson
Mr. Carver	Mr. Maine	Mr. J. E. Thompson
Mr. Crispell	Mr. Markel	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Marsh	Mr. Van Orden
Mr. Cross	Mr. Mersereau	Mr. Varnum
Mr. Curtis	Mr. Miller	Mr. Vincent
Mr. Danforth	Mr. Moffatt	Mr. Ward
Mr. Disosway	Mr. Mowry	Mr. Wells
Mr. Elderkin	Mr. Nash	Mr. Wheaton
Mr. Elwood	Mr. Pardee	Mr. Willard
Mr. Fiske	Mr. Pease	Mr. Wilcox
Mr. Fitzhugh	Mr. Perley	Mr. Wisewell
Mr. Folger	Mr. Picket	Mr. Woodruff
Mr. Fox	Mr. Porter	Mr. Young
Mr. Gates	Mr. Prescott	

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*Ordered*, That the Clerk deliver the said bill to the Senate; and request their concurrence in the same.

Mr. W. H. Robertson gave notice of his intention at an early day to introduce a bill for the establishment of a steam ferry across the North river, from Piermont to the opposite shore.

Mr. Elwood gave notice that he would ask leave to introduce a bill to provide for the election of local officers to perform the duties of judge and surrogate in those counties whose supervisors have made the application required by section 15 of article 6 of the constitution.

Mr. White gave notice that he would at a future day ask leave to introduce a bill to tax the existing free banks of this state to supply the deficiency necessary to pay the creditors of the banks defunct under our free banking system.

On motion of Mr. Cross,

*Resolved*, That the papers on file in this House relating to the alteration of the name of Appleton Oaksmith, be taken from the files and referred to the judiciary committee.



On motion of Mr. Bush,

*Resolved*, That the petitions on file in this House, praying for the enactment of a law providing for the sale of lands for taxes in the counties in which such lands are situated, be taken from the files and referred to the select committee on that subject.

Mr. Boyce gave notice that he would at some early day ask leave to bring in a bill to amend title one, chapter four, part two of the Revised Statutes, relating to the formation of limited partnerships.

Mr. McLean gave notice that he would at some early day ask leave to introduce a bill for the reduction of the toll on coarse foreign salt.

Mr. Boyce gave notice that he would at some early day ask leave to bring in a bill to amend the charter of the village of Lyons.

Mr. Button gave notice that he would at a future day ask leave to bring in a bill to prohibit judges of county courts from practicing as attorneys or counsellors in any court of equal or inferior jurisdiction with their own.

Mr. Bailey gave notice that he would ask leave at some future day to bring in a bill to equalize representation in boards of supervisors.

Mr. Goff gave notice that he would at an early day ask leave to bring in a bill to increase the duties of town and county officers in certain cases.

Mr. Danforth gave notice that he would ask leave to bring in a bill to form the town of Fish from Broome and a part of Middleburgh, Schoharie county.

Mr. Fiske gave notice that he would on some future day ask leave to bring in a bill entitled "An act in relation to the court of sessions in Kings county."

Mr. Mowry gave notice that he would at some early day ask leave to bring in a bill authorizing counsellors at law to administer oaths, take affidavits and acknowledgments of deeds, mortgages, and other instruments.

Mr. A. Johnson offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Comptroller be and he hereby is requested to report to this House for what amount of money the Comptroller's warrant has been issued to Anthony L. Robertson as one of the commissioners of the code.

And also whether there is any evidence in the Comptroller's office that said Robertson had performed any service as such commissioner, and if so, what is the same?

And also whether any warrant has been issued to said Robertson for and on account of clerk hire, and if so, for what amount?

*Ordered*, That the said resolution be laid upon the table.

On motion of Mr. L. Ward Smith,

*Resolved*, That the papers relating to the petition of John H. Hall for compensation of breach of contract by the state, be taken from the files and referred to the committee on grievances.

Mr. A. Robertson moved that the House reconsider its vote on agreeing to the report of the committee on claims on the petition of

Matthew S. Pitcher for an appraisement of damages to lands on the Champlain canal.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Robertson, and it was determined in the affirmative.

The question being upon agreeing to the report of the committee.

Mr. A. Robertson moved the said report be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Robertson, and it was determined in the affirmative.

Mr. W. S. Smith gave notice that at some early day he would ask leave to bring in a bill to provide for the election of a police justice in the city of Troy, and for other purposes.

Mr. Slocum gave notice that he would at an early day ask leave to introduce a bill to authorize and require the board of supervisors of the county of Onondaga, to raise by a tax on the taxable property of said county, the sum of fifteen thousand dollars, to build a new jail, and in connection therewith a work house or penitentiary.

On motion of Mr. Nash,

*Resolved*, That the petitions and papers of Sarah McKinstry and others, for canal damages, be taken from the files of the House and referred to the standing committee on claims.

On motion of Mr. Slocum,

*Resolved*, That the papers relating to the claim of Jesse McKenley for services as inspector of salt, be taken from the files of the House and transmitted to the committee on claims of the Senate.

On motion of Mr. Averill,

*Resolved*, That the committee on roads and bridges be discharged from the further consideration of the petition of sundry inhabitants of West Troy, for a bridge over the canal, and the petition of John W. Haun, for the erection of a canal bridge on his farm in the town of Minden, and that the same be referred to the committee on canals.

In pursuance of previous notice Mr. Varnum asked for and obtained leave to bring in a bill entitled "An act to incorporate the Panama Railroad Company;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. McLean asked for and obtained leave to bring in a bill entitled "An act to amend an act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. Ward asked for and obtained leave to bring in a bill entitled "An act to provide for the payment of the expenses made in the correction of errors committed by town inspectors of election, and to guard against such errors;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on privileges and elections.

In pursuance of previous notice, Mr. Boughton asked for and obtained leave to bring in a bill entitled "An act to amend an act to authorize the trustees of the village of Williamsburgh to raise money by loan or tax to pay certain debts; and to provide for the speedy liquidation and settlement of certain distrusted matters and claims in said village, passed May 13, 1845," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the judiciary.

Leave of absence was granted to Mr. Clark and Mr. Bull for ten days each, to Mr. Sexton six days, and Mr. Culbert for five days.

The House then again resolved itself into a committee of the whole on the bill in the words following, to wit:

### AN ACT

Declaratory of the law, as to the time of payment of sight bills of exchange and promissory notes, payable on demand.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Every draft or bill of exchange, or promissory note, drawn or made payable at sight or on demand, shall be deemed and taken to be due and payable on presentment or demand thereof, without grace.

§ 2. This act shall take effect immediately.

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Wells from said committee reported that the committee had gone through said bill and amend the same so as to read as follows:

### AN ACT

Respecting the time of payment of drafts or bills of exchange drawn or made payable at sight.

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. Every draft or bill of exchange hereafter drawn or made payable at sight, shall be deemed and taken to be due and payable on presentment thereof, without grace.

§ 2. This act shall take effect immediately.

Which report was agreed to.

*Ordered,* That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorize and direct the surrogate of the county of Richmond to admit to probate and record the last will and testament of Joseph P. Burger deceased," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Glass from said committee, reported that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill, be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to incorporate the Life Saving Benevolent Association of New-York," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Carver from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act in relation to chattel mortgages required to be filed in the office of the clerk of Erie county," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. J. E. Thompson from said committee, reported progress and asked leave to sit again.

Mr. B. Thompson moved the said bill be referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. B. Thompson, and it was determined in the affirmative.

*Ordered*, Mr. B. Thompson, Mr. Boughton, Mr. Fitzhugh, Mr. Hale, and Mr. Taylor be said committee.

And then at 2 o'clock p. m ,

On motion of Mr. Perley,  
The House adjourned.

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## MONDAY, JANUARY 22, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Campbell.

The minutes of Saturday were read and approved.

Mr. Willard presented two several petitions of sundry inhabitants of the county of Allegany, for an act authorising the removal of the county site from Angelica to Philipsville, in said county, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Nash and Mr. Bayley presented two several petitions of sundry inhabitants of the counties of Chemung and Jefferson, for the advertisement and sale of lands upon which taxes are not paid, in the counties in which they are located, which were read and referred to the select committee on that subject.

Mr. Maine presented the petition of the trustees of the De Ruyter Institute, for an appropriation for the department of agricultural and analytical chemistry established in said Institute, which was read and referred to the committee on agriculture.

Mr. Elwood presented the remonstrance of sundry citizens of Rome, against any law authorising the election of four supervisors in the city of Utica, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. H. C. Tuthill presented the petition of sundry inhabitants of the counties of Cayuga and Onondaga, for an act declaring the public utility of a railroad from Auburn to Binghamton, which was read and referred to the committee on railroads.

Mr. Whittaker presented the petition of sundry inhabitants of the town of Tompkins, for the erection of a new county from parts of Broome, Chenango, Otsego and Delaware counties, which was read and referred to the committee on erection and division of towns and counties.

Mr. Wells presented the petition of sundry inhabitants of the county of Allegany, for the passage of a law authorising the removal of the county site from Angelica to Philipsville, in said county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Mowry presented the petition of the board of supervisors of the county of Washington, for an act authorizing the loan commissioners to transcribe the mortgages of 1792 and 1808 on to one book, which was read and referred to the committee on the judiciary.

Mr. Bowen presented the petition of Nirum Abbott, for relief by the payment of certain canal damages, which was read and referred to the committee on grievances.

Mr. Crispell presented the petition of sundry inhabitants of the town of Shandaken, in the county of Ulster, for a division of said town, and to call the southerly town when divided, "Denning," which was read and referred to the committee on the erection and division of towns and counties.

Mr. Rounseville presented the petition of sundry electors of the town of Covert, in Seneca county, asking for an act annexing that town to the county of Tompkins, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Disosway presented the petition of sundry inhabitants of the county of Richmond, for the establishment of free schools in the state and particularly in Richmond co., which was read and referred to the committee on colleges, academies and common schools.

Mr. Fitzhugh presented the petition of A. P. Grant and others, that the state confirm the title to certain blocks in East Oswego, numbered from 167 to 173 inclusive, which was read and referred to the committee on public lands.

Mr. Fitzhugh presented the petition of Hiram Walker, for a law authorising the supervisors of Oswego county to make certain assessments, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Stewart presented the petition of Jesse Hollister, for a law authorizing the reappraisal of certain damages in consequence of taking the waters of the Cawasalon creek for a feeder of the Erie canal, which was read and referred to the committee on canals.

Mr. Averill presented the petition of 66 citizens of the westerly part of the town of Canajoharie, for a law annexing a part of that town to the town of Minden, which was read and referred to the committee on the erection and division of town and counties.

Mr. B. Thompson presented the petition of sundry inhabitants of the county of Erie, for a law making the clerk of that county a salaried officer, which was read and referred to the committee on the judiciary.

Mr. Roblee presented the petition of 70 inhabitants of the county of Orleans, for a law providing for the advertisement and sale of lands upon which taxes are not paid, in the counties in which such lands are located, which was read and referred to the select committee on that subject.

Mr. Woodruff presented the petition of sundry inhabitants of school districts number one and two of the town of North Dansville, for an act incorporating the Union free school of North Dansville, which was read and referred to the committee on colleges, academies and common schools.

Mr. Porter presented two several petitions of sundry inhabitants of Victor, Ontario co., for a law limiting the quantity of land that any individual may hereafter acquire in this state to 160 acres, also for homestead exemption and a ten hours law, which was read and referred to the select committee on those subjects.

Mr. Cornell presented the petition of the directors of the New-York Institution for the instruction of Deaf and Dumb, for an appropriation to extinguish their debt of fifteen thousand dollars, which was read and referred to the committee on ways and means.

Mr. Cornell moved that the said petition be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

Mr. Richards presented the remonstrance of 87 inhabitants of the county of Wyoming, against any amendment of the charter of the Attica and Hornellsville railroad, which was read and referred to the committee on railroads.

Mr. Woodruff, from the committee on the internal affairs of towns and counties to which was referred the petition of the board of supervisors of the county of Monroe, for a law to raise money to build a surrogate and treasurer's office, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the supervisors of Monroe county to raise money to purchase or build a surrogate and county treasurer's office," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. L. Ward Smith, from the select committee, to which was referred so much of the annual message of the Governor as relates to assessment and collection of taxes, reported, and asked and obtained leave to bring in a bill, entitled "An act to correct the tax books in the Comptroller's office, and authorising extracts from records in his office as evidence," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Pruyn from the committee on colleges, academies, and common schools, to which was referred the bill entitled "An act to amend

an act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Fitzhugh, from the committee on canals, to which was referred the engrossed bill from the Senate, entitled "An act to authorise the abatement of a nuisance on lands owned by the people of the state of New-York and other lands in the city of Syracuse," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Bowen, from the committee on trade and manufactures, to which was referred the bill entitled "An act to incorporate the Buffalo Water Works Company," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole house.

Mr. Harmon, from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the members of the east Genesee annual conference of the Methodist Episcopal Church," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. McLean, from the committee on claims, to which was referred the petition of Grant, Turner and Ryan, for damages on contract caused by the suspension of the enlargement of the Erie canal, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Brewer, from the committee on state prisons, to which was referred the petition of sundry inhabitants of Montgomery co., for a law to authorise said county to contract with the county of Albany to take and keep certain convicts in the Albany penitentiary, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the supervisors of the county of Montgomery to contract with the supervisors of the county of Albany to keep certain prisoners in the penitentiary of Albany county;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Fox from the committee on claims to which was referred the petition of Aaron Knapp, for damages sustained by the construction of the Leland Pond reservoir on the Chenango canal, reported against

the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Maine moved a reconsideration of the vote on agreeing to the report of the committee.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Maine, and it was determined in the affirmative.

Mr. Maine moved that said report be recommitted to the committee on claims.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Maine, and it was determined in the affirmative.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act respecting the time of payment of drafts or bills of exchange, drawn or made payable at sight."

"An act to authorise and direct the surrogate of the county of Richmond to admit to probate and record the last will and testament of Joseph P. Burger, deceased."

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. Richards from the committee on grievances, to which was referred the petition of John C. Van Alstine for interest on an appraisal of canal damages, reported and asked for and obtained leave to introduce a bill, entitled "An act providing for the payment of interest on canal damages to John C. Van Alstine," which was read the first time and by unanimous consent was also read a second time and committed to the committee of the whole house.

(See Doc. No. 43.)

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the petition of inhabitants of the towns of Louisville and Massena, St. Lawrence co., for the annexation of a part of the town of Louisville to the town of Massena, reported and asked for and obtained leave to introduce a bill, entitled "An act to annex a part of the town of Louisville in the county of St. Lawrence to the town of Massena," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Harmon from the committee on charitable and religious societies, to which was referred the petition of inhabitants of the town of Newfane for an act to incorporate an association by the name of the Newfane Centre burial ground, reported and asked for and obtained leave to bring in a bill, entitled "An act to incorporate the Newfane Centre burial ground association," which was read the first time,



and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Thompson from the select committee to which was referred the bill, entitled "An act in relation to chattel mortgages, required to be filed in the office of the clerk of the county of Erie," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act requiring chattel mortgages to be registered," which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Van Orden from the committee on public printing to which was referred the motion to print 20 times the usual number of the address of L. F. Allen, Esq., before the New-York State Agricultural Society, and 500 copies for the said society, reported and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That 20 times the usual number of the said address be printed for the use of the Legislature and 500 copies for the Agricultural society.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Mowry from the committee on railroads to which was referred the bill, entitled "An act to incorporate the Panama Railroad company," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

(See Doc. No. 35.)

A message from the Governor in relation to gun houses was received and read in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, Jan. 15th 1849. }

*To the Legislature :*

I transmit herewith a communication received from the Commissary General and his statement of the location of the gun houses of the State.

HAMILTON FISH.

*Ordered*, That the said communication be referred to the committee on the militia.

The annual report of the Commissioners of Emigration was received and read in the words following, to wit:

OFFICE OF THE COMMISSIONERS OF EMIGRATION, }  
New-York, January 17, 1849. }

HON. AMOS K. HADLEY,

*Speaker of the Assembly.*

I have the honor herewith to transmit the second annual report of the Commissioners of Emigration.

I am very respectfully,

G. C. VERPLANCK,  
*Prest. of the Com. Emigration.*

(See Doc. No. 50.)

Mr. W. S. Smith moved that ten times the usual number of the said report be printed for the Legislature, and 250 for the use of the Commissioners of Emigration.

*Ordered*, That the said motion of Mr. W. S. Smith be referred to the committee on public printing.

Mr. W. S. Smith moved that said report be referred to the committee on commerce and navigation.

Mr. Bowen moved that said report be referred to the committee on ways and means.

Mr. Thompson moved that said report be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Thompson, and it was determined in the negative.

Debate was had thereon, when

Mr. Cross moved said report be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the affirmative.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith returned, entitled "An act to extend the time for the collection of taxes."

"An act to authorise the Dexter, Brownville and Pamela plank road company, to erect a toll-gate on that part of their road now finished."

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled, "An act in relation to the removal of convicts from one State prison to another," which was read the first time and by unanimous consent was also read the second time and referred to the committee on state prisons.

The engrossed bill from the Senate, entitled "An act to authorise and direct the surrogate of the county of Richmond to admit to probate and record the last will and testament of Joseph P. Burger, deceased," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 102 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Pierce
Mr. Averill	Mr. L. M. Gilbert	Mr. Porter
Mr. Bagley	Mr. Glass	Mr. Prescott
Mr. Bailey	Mr. Goddard	Mr. Pruyn
Mr. Barber	Mr. Goff	Mr. Quackenboss
Mr. Bellinger	Mr. Gove	Mr. Raynor
Mr. Boardman	Mr. Graham	Mr. Richards

Mr. Bogart	Mr. Green	Mr. Roblee
Mr. Boughton	Mr. Hall	Mr. A. Robertson
Mr. Bowen	Mr. Hammond	Mr. W. H. Robertson
Mr. Boyce	Mr. Hart	Mr. Rounseville
Mr. Brinkerhoff	Mr. Hoyt	Mr. St. John
Mr. Brewer	Mr. Hudson	Mr. Slocum
Mr. Budd	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Bush	Mr. M. Johnson	Mr. W. S. Smith
Mr. Button	Mr. Kelsey	Mr. Speaker
Mr. L. Butts	Mr. Kennedy	Mr. Stevens
Mr. W. Butts	Mr. Kidd	Mr. Stevenson
Mr. Campbell	Mr. Leavenworth	Mr. Stewart
Mr. Carver	Mr. McKinney	Mr. Taylor
Mr. Cornell	Mr. McLean	Mr. Terry
Mr. Crispell	Mr. McNeal	Mr. B. Thompson
Mr. Crittenden	Mr. Maine	Mr. J. E. Thompson
Mr. Cross	Mr. Markel	Mr. H. C. Tuthill
Mr. Curtis	Mr. Marsh	Mr. Van Orden
Mr. Danforth	Mr. Mersereau	Mr. Ward
Mr. Disosway	Mr. Miller	Mr. Wells
Mr. Elderkin	Mr. Moffatt	Mr. Wheaton
Mr. Elwood	Mr. Mowry	Mr. White
Mr. Fiske	Mr. Nash	Mr. Whittaker
Mr. Fitzhugh	Mr. Pardee	Mr. Willard
Mr. Folger	Mr. Pease	Mr. Wisewell
Mr. Fox	Mr. Perley	Mr. Woodruff
Mr. Gates	Mr. Picket	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act respecting the time of payment of drafts or bills of exchange drawn or made payable at sight," was read a third time.

Mr. Hale moved to recommit the said bill to the committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hale, and it was determined in the affirmative.

On motion of Mr. Pruyn,

*Resolved*, That the petition of Mary E. Edwards, presented at the last session, praying for relief in the matter of a deficiency in a lot of land, conveyed by the State, be taken from the files, and, with the accompanying papers, referred to the commissioners of the land office.

Mr. McLean gave notice that he would at some early day ask leave to introduce a bill defining more particularly the duties and responsibilities of telegraph companies.

Mr. Averill moved that the House reconsider its vote on agreeing to the report of the committee on claims on the petition of John H. Babcock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Averill, and it was determined in the affirmative.

Mr. Averill moved that the said petition be recommitted to the committee on claims, with instructions to report a state of facts in the case.

Mr. Speaker then put the question whether the House would agree to the said motion and it was determined in the affirmative.

On motion of Mr. Cross,

The House proceeded to the consideration of the report of the committee on claims, on the petition of Mathew L. Pitcher for canal damages.

Mr. Cross moved that said report and petition be recommitted to the committee on claims.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

Mr. McKinney moved that the House reconsider its vote of Saturday, referring the petition of the Northern Railroad company, for an increase of capital stock, with power to bridge Lake Champlain, at Rouse's point, to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion, and it was determined in the affirmative.

*Ordered*, That Mr. Fitzhugh, Mr. Cross, Mr. Button, Mr. McKinney, and Mr. Harmon, be said select committee.

Mr. Bailey gave notice that he would ask leave at some future day to bring in a bill to amend section 31, of art. 2, of title 9, of chap. 8, of part third, of the Revised Statutes.

On motion of Mr. Disoway,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That a special committee be appointed to examine and to report whether any revision or amendments are necessary in the emigrant law, passed the last session of the Legislature, so that the emigrants fleeing from the oppression of Europe, may be better protected from frauds and imposition than they now are.

Mr. Fiske moved that said resolution be referred to the committee on commerce and navigation

Mr. B. Thompson moved that said resolution be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Thompson, and it was determined in the negative.

Mr. Fiske then withdrew his said motion to refer said resolution to the committee on commerce and navigation.

Mr. W. S. Smith moved that said resolution be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the affirmative.

On motion of Mr. Pruyn,

The House proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, That from and after the 1st day of February next, this House will meet at 10 o'clock, a. m.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Leave of absence was granted Mr. Wilcox and Mr. Stevens, for six days each, and Mr. Smalley ten days.

Mr. Graham gave notice of his intention at some early day to introduce a bill to amend the 25th section of the act passed December 14, 1847, entitled "An act to amend an act entitled 'An act to reduce the number of town officers, and town and county expenses, and to prevent abuses in auditing town and county accounts,'" passed May 10, 1845.

Mr. W. S. Smith gave notice that he would at some early day ask leave to bring in a bill to provide for the public printing.

Mr. Taylor offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the committee on commerce and navigation be, and they are hereby requested, to report to this House, what, if any alterations are necessary to be made in the present law in relation to emigrants, to prevent the landing of emigrants upon our shores, by way of the Canadas, and thereby evade the payment of commutation.

On motion of Mr. Bowen,

*Ordered*, That the said resolution be laid upon the table.

Mr. Wells offered for the consideration of the House, a resolution in the words following, to wit:

WHEREAS, All experience has proved, that in physical as well as mental maladies, excitement is always deleterious, and often fatal; therefore,

*Resolved*, In view of the near approach of the Asiatic cholera, and for the purpose of allaying public excitement and alarm, and adapting preventives, that a committee be appointed to be styled the committee on public health, whose duty it shall be to enquire into and adopt the best method for bringing about the end proposed.

*Ordered*, That the said resolution be laid upon the table.

In pursuance of previous notice, Mr. Bailey asked for and obtained leave to bring in a bill entitled "An act to equalize representation in boards of supervisors in this state;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice Mr. McNeal asked for and obtained leave to bring in a bill entitled "An act for the preservation of public health;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. White asked for and obtained leave to bring in a bill entitled "An act to amend an act to authorize the formation of the Niagara Falls House Company, passed March 24, 1848;" which was read the first time, and by unanimous consent

as also read the second time, and referred to the committee on trade and manufactures.

In pursuance of previous notice, Mr. Brewer asked for and obtained leave to bring in a bill entitled "An act to amend chapter one, of title seven, of the act entitled an act to simplify and abridge the practice, pleadings, and proceedings of the courts of this state, passed April 12, 1848;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Fiske asked for and obtained leave to bring in a bill entitled "An act in relation to the court of sessions in Kings county," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice Mr. W. S. Smith asked for and obtained leave to bring in a bill entitled "An act for the election of certain officers in the city of Troy, and to regulate the police of said city;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

On motion of Mr. A. Johnson,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the Comptroller be and he hereby is requested to report to this House for what amount of money the Comptroller's warrant has been issued to Anthony L. Robertson, as one of the commissioners of the code.

And also whether there is any evidence in the Comptroller's office that said Robertson has performed any service, and if so, what the same?

And also whether any warrant has been issued to said Robertson for and on account of clerk hire, and if so for what amount?

Mr. Elwood moved to amend the said resolution by adding the following;

And that the Comptroller be further requested to report how many, and how many warrants, have been drawn by him or his predecessor, in favor of John A. Collier, for services as one of the commissioners of the code; for what amount such warrant or warrants if any, were drawn, or services, up to what period of time such warrants were drawn; whether any warrant was drawn in his favor for clerk hire, and if any how much and up to what time; and what evidence, if any, there may be in his office as to any services performed by said Collier as such commissioner.

Which amendment Mr. A. Johnson accepted.

A division of the question being called,

Mr. Cross moved the said resolution be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the original resolution, and it was determined in the affirmative.

Mr. Cornell moved to amend the second part of the resolution by inserting the names of Alvah Worden, and Seth C. Hawley after the name of John A. Collier.

Mr. Perley moved the previous question, which motion having been seconded,

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

The main question being upon the second part of the resolution.

Mr. Speaker put the question whether the House would agree to the second part of the resolution, and it was determined in the negative.

{ AYES 29 }  
{ NAYS 64 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fox	Mr. Quackenboss
Mr. Bellinger	Mr. Goddard	Mr. St. John
Mr. Bogart	Mr. Goff	Mr. Stevens
Mr. Brewer	Mr. Gove	Mr. Stevenson
Mr. Bush	Mr. McKinney	Mr. Stryker
Mr. Button	Mr. Marsh	Mr. Taylor
Mr. Carver	Mr. Nash	Mr. J. E. Thompson
Mr. Elderkin	Mr. Picket	Mr. Wheaton
Mr. Elwood	Mr. Porter	Mr. Whittaker
Mr. Fitzhugh	Mr. Prescott	

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Those who voted in the negative are,

Mr. Bagley	Mr. Harmon	Mr. Roblee
Mr. Bailey	Mr. Hoyt	Mr. A. Robertson
Mr. Boardman	Mr. Hudson	Mr. Rockwell
Mr. Boughton	Mr. A. Johnson	Mr. Rounseville
Mr. Bowen	Mr. M. Johnson	Mr. Slocum
Mr. Brinkerhoff	Mr. Kelsey	Mr. L. Ward Smith
Mr. Campbell	Mr. Kennedy	Mr. W. S. Smith
Mr. Cornell	Mr. Kidd	Mr. Stewart
Mr. Crispell	Mr. Leavenworth	Mr. Terry
Mr. Crittenden	Mr. McLean	Mr. B. Thompson
Mr. Cross	Mr. McNeal	Mr. H. C. Tuthill
Mr. Danforth	Mr. Miller	Mr. Van Orden
Mr. Disosway	Mr. Moffatt	Mr. Varnum
Mr. Fiske	Mr. Mowry	Mr. Ward
Mr. Folger	Mr. Pardee	Mr. Wells
Mr. Gates	Mr. Pease	Mr. White
Mr. A. Gilbert	Mr. Perley	Mr. Willard
Mr. L. M. Gilbert	Mr. Pierce	Mr. Wing
Mr. Glass	Mr. Pruyn	Mr. Wisewell
Mr. Graham	Mr. Raynor	Mr. Woodruff
Mr. Hale	Mr. Richards	Mr. Young
Mr. Hall		

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By unanimous consent Mr. Bush presented the petition of David McAllister, an alien, praying for a law to hold and convey real estate.

Mr. Wells moved the said petition be referred to the committee on the petitions of aliens.

Mr. Nash moved the said petition be referred to the committee on grievances.

Mr. L. Ward Smith moved the said petition be referred to the committee on charitable and religious societies.

Mr. Taylor moved that the said petition be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Taylor, and a count having been taken, the speaker (Mr. Campbell occupying the chair) decided the motion to be carried.

Mr. Cross rose to a point of order and contended that he had called for the ayes and nays, on the motion of Mr. Taylor, before the chair had announced the result of the vote.

Mr. Speaker Campbell, decided the point of order of Mr. Cross not to be well taken, inasmuch as the result was declared before the ayes and nays were called for.

From that decision of the chair Mr. Cross appealed.

Debate was had thereon, when

Mr. Speaker put the question "Shall the decision of the chair stand as the judgment of the House?" and it was determined in the negative.

{ AYES 33 }  
{ NAYS 48 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Bagley	Mr. McKinney	Mr. St. John
Mr. Brinkerhoff	Mr. McLean	Mr. Speaker
Mr. Carver	Mr. McNeal	Mr. Stryker
Mr. Crispell	Mr. Maine	Mr. Taylor
Mr. Crittenden	Mr. Miller	Mr. Terry
Mr. Fiske	Mr. Pierce	Mr. J. E. Thompson
Mr. Fitzhugh	Mr. Prescott	Mr. H. C. Tuthill
Mr. A. Gilbert	Mr. Quackenboss	Mr. Ward
Mr. Glass	Mr. A. Robertson	Mr. White
Mr. Gove	Mr. W. H. Robertson	Mr. Woodruff
Mr. Hall	Mr. Rounseville	Mr. Young

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Those who voted in the negative are,

Mr. Averill	Mr. Goddard	Mr. Porter
Mr. Bellinger	Mr. Graham	Mr. Pruyn
Mr. Boardman	Mr. Hale	Mr. Richards
Mr. Bogart	Mr. Hudson	Mr. Slocum
Mr. Brewer	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Bush	Mr. M. Johnson	Mr. W. S. Smith



Mr. Button	Mr. Kelsey	Mr. Stevens
Mr. L. Butts	Mr. Kennedy	Mr. Stevenson
Mr. Cornell	Mr. Kidd	Mr. Stewart
Mr. Cross	Mr. Marsh	Mr. B. Thompson
Mr. Danforth	Mr. Mersereau	Mr. Vincent
Mr. Disosway	Mr. Nash	Mr. Wells
Mr. Elderkin	Mr. Pardee	Mr. Whittaker
Mr. Elwood	Mr. Pease	Mr. Willard
Mr. Fox	Mr. Perley	Mr. Wing
Mr. L. M. Gilbert	Mr. Picket	Mr. Wisewell

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Mr. Stryker moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Striker, and it was determined in the negative.

{ AYES 47 }  
{ NAYS 37 }

Those who voted in the affirmative are,

Mr. Bellinger	Mr. Hale	Mr. Prescott
Mr. Brinkerhoff	Mr. Hall	Mr. Quackenboss
Mr. L. Butts	Mr. Harmon	Mr. Richards
Mr. Campbell	Mr. Hoyt	Mr. A. Robertson
Mr. Carver	Mr. A. Johnson	Mr. Rounseville
Mr. Crittenden	Mr. Kennedy	Mr. St. John
Mr. Disosway	Mr. McKinney	Mr. Speaker
Mr. Fitzhugh	Mr. McNeal	Mr. Stryker
Mr. A. Gilbert	Mr. Maine	Mr. Taylor
Mr. L. M. Gilbert	Mr. Miller	Mr. H. C. Tutbill
Mr. Glass	Mr. Perley	Mr. Varnum
Mr. Goff	Mr. Pierce	Mr. Wisewell
Mr. Gove		

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Those who voted in the negative are,

Mr. Averill	Mr. Graham	Mr. Slocum
Mr. Bagley	Mr. Hudson	Mr. L. Ward Smith
Mr. Boardman	Mr. M. Johnson	Mr. Stevens
Mr. Brewer	Mr. Kelsey	Mr. Stevenson
Mr. Bush	Mr. Kidd	Mr. Stewart
Mr. Button	Mr. McLean	Mr. Terry
Mr. Cornell	Mr. Markel	Mr. B. Thompson
Mr. Crispell	Mr. Marsh	Mr. J. E. Thompson
Mr. Cross	Mr. Mersereau	Mr. Vincent
Mr. Danforth	Mr. Nash	Mr. Ward
Mr. Elderkin	Mr. Pardee	Mr. Wells
Mr. Elwood	Mr. Pease	Mr. White
Mr. Fiske	Mr. Picket	Mr. Whittaker
Mr. Fox	Mr. Porter	Mr. Willard
Mr. Gates	Mr. Pruyn	Mr. Young
Mr. Goddard	Mr. Raynor	

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Mr. Taylor then withdrew his said motion to lay the petition on the table, and the question recurring on the motion of Mr. Wells to refer the petition to the committee on the petitions of aliens.

Debate was had thereon, when

Mr. White moved a call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. White, and it was determined in the negative.

{ AYES 73 }  
{ NAYS 11 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Brewer	Mr. Gates	Mr. Taylor
Mr. Button	Mr. Pierce	Mr. B. Thompson
Mr. L. Butts	Mr. W. H. Robertson	Mr. White
Mr. Cornell	Mr. Stryker	11

Those who voted in the negative are,

Mr. Averill	Mr. Hall	Mr. Richards
Mr. Bagley	Mr. Hudson	Mr. A. Robertson
Mr. Bellinger	Mr. A. Johnson	Mr. Rounseville
Mr. Boardman	Mr. M. Johnson	Mr. St. John
Mr. Bogart	Mr. Kelsey	Mr. Slocum
Mr. Bowen	Mr. Kennedy	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Kidd	Mr. Speaker
Mr. Bush	Mr. McKinney	Mr. Stevens
Mr. Campbell	Mr. McLean	Mr. Stevenson
Mr. Carver	Mr. McNeal	Mr. Stewart
Mr. Crispell	Mr. Maine	Mr. Terry
Mr. Crittenden	Mr. Markel	Mr. J. E. Thompson
Mr. Cross	Mr. Marsh	Mr. H. C. Tuthill
Mr. Danforth	Mr. Mersereau	Mr. Varnum
Mr. Disosway	Mr. Miller	Mr. Vincent
Mr. Elderkin	Mr. Nash	Mr. Ward
Mr. Elwood	Mr. Pardee	Mr. Wells
Mr. Fiske	Mr. Pease	Mr. Wheaton
Mr. Fitzhugh	Mr. Perley	Mr. Whittaker
Mr. Fox	Mr. Picket	Mr. Willard
Mr. L. M. Gilbert	Mr. Porter	Mr. Wing
Mr. Glass	Mr. Prescott	Mr. Wisewell
Mr. Goddard	Mr. Pruyn	Mr. Woodruff
Mr. Gove	Mr. Raynor	Mr. Young
Mr. Graham		

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Mr. Miller moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Miller, and it was determined in the affirmative.

And then at half past two o'clock p. m., the House adjourned.

TUESDAY, JANUARY 23, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. W. H. Waggoner.

The minutes of yesterday were read and approved.

Mr. Ezra S. Sweet, member of Assembly elect from the county of Tioga, and Mr. William Dodge, member of Assembly elect from the eighth district of the county of New-York, appeared in the Assembly Chamber, and the oath of office prescribed by the constitution having been administered to them by the Speaker, they took their seats as members of this House.

Mr. Willard presented two several petitions of sundry inhabitants of the county of Allegany, praying for a removal of the county site of said county from Angelica to Philipsville, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Skeel presented three several petitions of 189 citizens of the town of Homer, Cortland co., praying for an act declaring the public utility of a railroad from Auburn to Binghamton, which was read and referred to the committee on railroads.

Mr. Fish presented the petition of Nicholas Hill, praying for relief by the payment of damages sustained by him in the construction of the Erie canal, which was read and referred to the committee on claims.

Mr. Maine presented the petition of Benjamin Wadsworth praying for an act authorizing the reappraisal of damages sustained by him in the building of the Eaton Brook reservoir, which was read and referred to the committee on claims.

Mr. Averill presented six remonstrances of 233 inhabitants of Canajoharie, Montgomery co., against any division of said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Hall presented the petition of 19 electors of the town of Covert, Seneca county, praying for an act to annex a portion of that town to the town of Ovid, and the remaining portion of said town to the county of Tompkins, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Elwood presented the remonstrance of sundry citizens of Rome, against the passage of a law authorizing an increase of supervisors of the city of Utica, which was read and referred to the committee on that bill.

Mr. Cornell presented the petition of the New-York Eye Infirmary, praying for the usual annual appropriation, which was read and referred to the committee on ways and means.

Mr. Disosway presented the petition of Frederick Philips and others, praying for a grant of lands under water, in Philipstown, Putnam county, which was read and referred to the committee on public lands.

Mr. Elderkin presented two several petitions of 117 inhabitants the town of Louisville, St. Lawrence co., asking for an act requiring the town of Norfolk to pay over certain school monies had by the town of Norfolk in the year 1844, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Picket presented the petition of H. P. Cooke, praying for a law authorising justices of the peace to issue executions immediately on the perfection of judgment, same as in courts of record, which was read and referred to the committee on the judiciary.

Mr. Fish presented the petition of sundry citizens of Garoga, Fulton co., praying for an act authorising the Fultonville and Johnstown Plank Road Company to bridge the Mohawk river, which was read and referred to the committee on roads and bridges.

Mr. Gates presented the petition of sundry inhabitants of Jefferson, praying for an amendment of the Revised Statutes in relation to ferries and enlarging the powers of county judges in relation thereto, which was read and referred to the committee on roads and bridges.

Mr. L. Butts presented the petition of sundry inhabitants of Delaware co., praying for a law limiting the quantity of land hereafter to be acquired by any one individual, and also for the homestead exemption, which was read and referred to the select committee on that subject.

Mr. Skeel presented the petition of George J. J. Barker and 150 other citizens of Homer, Cortland co., praying for an act providing for the advertisement and sale of lands on which taxes have not been paid, in the counties where such lands are located, which was read and referred to the select committee on that subject.

On motion of Mr. Cross,

The House proceeded to the consideration of the petition of David McAllister, an alien, praying for power to hold and convey real estate.

The question being on the motion of Mr. Wells to refer the said petition to the committee on the petitions of aliens.

Mr. Wells withdrew his said motion to refer the said petition to the committee on the petitions of aliens.

Mr. Cross moved said petition be referred to the committee on grievances with instruction to report against the prayer of the petition.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the affirmative.

Mr. Cross, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the city of Brooklyn, praying for a law to close and discontinue an old street called Navy street, reported, and asked, and obtained leave to bring in a bill entitled "An act relating to a street called Navy street, in the fifth ward of the city of Brooklyn," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Campbell from the committee on banks and insurance companies, to which was referred the bill entitled "An act to provide for the incorporation of insurance companies;" reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Bowen, from the committee on trade and manufactures, to which was referred the bill entitled "An act to amend an act for the further security of mechanics and others erecting buildings, and furnishing materials therefor, in the county of Richmond, passed May 11, 1846," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole house.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of the president of the Chemung Railroad Company, praying for a change of the location of the Chemung canal, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorize the canal commissioners to change at two points the line of the Chemung canal;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Pierce from the committee on public printing, to which was referred the motion to print ten times the usual number of the annual report of the commissioners of emigration for the use of the Legislature, and 250 copies for the use of the commissioners, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of the said report be printed for the use of the Legislature, and 250 copies for the commissioners of emigration.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of James Brady for relief from costs and expenses of a suit commenced against him as superintendent of the canal, reported against the prayer of the petitioner, and asked to be discharged from the further consideration of the said petition.

(See Doc. No. 37.)

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. McLean, from the committee on claims, to which was referred the petition of John Miles for damages occasioned by the breaking of the Kingsley Brook reservoir, reported, and asked, and obtained leave to bring in a bill entitled "An act to amend an act to provide for the appraisal of canal damages of John Miles, caused by the Kingsley Brook reservoir;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Bagley from the committee on the judiciary to which was referred so much of the annual report of the Comptroller as relates to constables attending the supreme court, reported, and asked, and obtained leave to bring in a bill entitled "An act in relation to sheriffs and constables attending the supreme court," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. L. Ward Smith from the committee on grievances, to which was referred the petition of David McAllister, an alien, praying for power to hold and convey real estate with instructions to report against the same, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Averill from the committee on roads and bridges to which was referred the petition of inhabitants of Montgomery county, for the repeal of an act appointing commissioners to lay out a road from Palatine bridge to the State lands, reported and asked for and obtained leave to introduce a bill, entitled "An act to repeal an act to appoint commissioners to lay out a road from Palatine bridge in Montgomery co., through Palatine, Ephratah, Pleasant Valley and Garoga, to lands belonging to the State in Fulton, passed December 10, 1847," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Averill from the committee on roads and bridges to which was referred the petition of inhabitants of Gravesend, Kings co., for a road from Gravesend to the city of Brooklyn, reported, and asked and obtained leave to introduce a bill, entitled "An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

The annual report of the Bank of Whitehall, in relation to unclaimed dividends and deposits, was received and referred to the committee on banks and insurance companies.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bill, entitled as follows:

"An act requiring chattel mortgages to be registered."

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

A message from the Governor, was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
*Albany, January 22, 1849.* }

**TO THE ASSEMBLY:**

I have this day approved and signed the bill, entitled as follows, to wit:

"An act to authorise the Dexter, Brownville and Pamela Plank Road company to erect a toll gate on that part of their road now finished."

**HAMILTON FISH.**

A message from the Senate was received and read, informing that they do non-concur in the passage of the bills therewith returned, entitled "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter two hundred and fourteen of the laws of 1842.

"An act to authorise the Comptroller to employ additional clerks for certain purposes, and making an appropriation for their payment."

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act for the relief of Fernando Wood," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act to change the name of Archibald Morrison Stone, to Archibald Morrison Morrison," which was read the first time and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act to continue in office the commissioners on practice and pleadings," which was read the first time and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act releasing the interest of the State in the property of St. James church, in Saratoga co., to the wardens and vestry of Christ church in the town of Milton, Saratoga co.," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

A message from the Senate was received and read, informing that they had passed without amendment the bills, entitled "An act to reduce the capital stock of the Albany Insurance company."

"An act to confirm the title of the trustees of the First Baptist church and society of Newfane to certain lands."

*Ordered,* That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read in the words following, to wit:

*Resolved,* That the Hon. the Assembly, be requested to return to the Senate the bill, entitled "An act directing the printing and distribution of the laws relating to the poor."

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill, entitled "An act requiring chattel mortgages to be registered," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 76 }  
{ NAYS 12 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Graham	Mr. Rockwell
Mr. Averill	Mr. Hall	Mr. Rounseville
Mr. Bagley	Mr. Harmon	Mr. St. John
Mr. Boardman	Mr. Hart	Mr. Skeel
Mr. Boughton	Mr. Hoyt	Mr. Slocum
Mr. Bowen	Mr. Hudson	Mr. L. Ward Smith
Mr. Boyce	Mr. M. Johnson	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Kelsey	Mr. Speaker
Mr. Brewer	Mr. Kidd	Mr. Stevens
Mr. Budd	Mr. McKinney	Mr. Stevenson
Mr. Bush	Mr. McLean	Mr. Stewart
Mr. Campbell	Mr. McNeal	Mr. Stryker
Mr. Carver	Mr. Markel	Mr. B. Thompson
Mr. Cornell	Mr. Marsh	Mr. H. C. Tuthill
Mr. Crispell	Mr. Miller	Mr. Van Orden
Mr. Crittenden	Mr. Nash	Mr. Varnum
Mr. Curtis	Mr. Pardee	Mr. Vincent
Mr. Disosway	Mr. Pease	Mr. Ward
Mr. Elderkin	Mr. Perley	Mr. Wells
Mr. Fiske	Mr. Picket	Mr. Wheaton
Mr. Fitzhugh	Mr. Pierce	Mr. White
Mr. Folger	Mr. Porter	Mr. Willard
Mr. Gates	Mr. Prescott	Mr. Wisewell
Mr. A. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. Glass	Mr. Raynor	Mr. Young
Mr. Gove		

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Those who voted in the negative are,

Mr. Button	Mr. Kennedy	Mr. A. Robertson
Mr. L. Butts	Mr. Maine	Mr. Terry
Mr. L. M. Gilbert	Mr. Moffatt	Mr. J. E. Thompson
Mr. A. Johnson	Mr. Roblee	Mr. Whittaker

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Stryker.

*Resolved*, That the Adjutant General report to this House in writing as early as possible the number of non-commissioned officers and privates now belonging to and performing duty in each of the



several uniformed corps that comprise the First Division of the militia of this State, together with his opinion as to the right of said company or any of them to continue their organization under the law since the first of January inst.

On motion of Mr. L. Ward Smith,

*Resolved*, That the committee on the judiciary be and they are hereby requested to enquire and report to this House, whether the Statute requiring deeds of lands sold for non-payment of taxes, to be executed in the name of the people of the State, has hitherto been complied with, and if not, what legislation, if any, is necessary by reason of such omission.

Mr. Leavenworth offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That a survey be made, and be reported to the present Legislature, as to the most feasible and practicable way of draining the Cayuga, Montezuma and Crapo marshes, and what effect the lowering of Seneca river will have upon the State canals, and whether the embankment made by the Auburn and Rochester Railroad company, across Cayuga outlet, has a tendency to set back the waters of Cayuga lake at the head.

*Ordered*, That the said resolution be laid on the table.

Mr. Button offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the contractors for the public printing, be directed to furnish this House, the costs or expense of the Manual furnished the members for the present year.

*Ordered*, That the said resolution be laid upon the table.

On motion of Mr. Button,

The House proceeded to the consideration of the resolutions heretofore offered by him in relation to the election of postmasters, and at the request of Mr. Pruyn, the same were laid upon the table.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the American Baptist Home Mission Society,' passed April 12, 1843," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Gilbert, from said committee reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That said bill be read a third time.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled "An act to authorise the abatement of a nuisance on lands owned by the people of the state of New-York, and other lands in the city of Syracuse," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Quackenboss, from said committee, reported progress and asked for and obtained leave to sit again.

On motion of Mr. Gove,

The House proceeded to the consideration of the report of the committee of the whole on the bill entitled "An act to confirm the

official acts of Henry G. Button, a justice of the peace of the town of Westville."

And the question being on agreeing to the report of the committee of the whole,

Mr. Pruyn moved that said bill be recommitted to the committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled "An act to confirm the official acts of Henry G. Button, a justice of the peace of the town of Westville," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Elwood from said committee, reported progress.

Mr. Pruyn moved that the said bill be referred to the committee on the judiciary, with instructions to report the same complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled "An act to release the interest of the state in certain real estate of which Lewis Ciprien Mango, an alien, died possessed, to Margaret Ann Mango, his widow," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fitzhugh, from said committee, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That said bill be read a third time.

The House then resolved itself into a committee of the whole on the bill entitled "An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleecker, for the year 1847," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Button from said committee, reported that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend an act, entitled 'An act in relation to justices' and police courts in the city of New-York, passed March 30, 1848,' and an act amendatory to the same, passed April 12, 1848," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Boughton from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise the further enlargement of the opening in the Albany pier between the State and Columbia-street bridges," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Willard from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on

the bill entitled "An act to regulate the taking of oysters, clams and other shell fish in the bays and harbors in the town of North Hempstead, Queens county," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Markel from said committee, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

And then, at two o'clock, p. m.,

On motion of Mr. McNeal,

The House adjourned.

### WEDNESDAY, JANUARY 24, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Campbell.

The minutes of yesterday were read and approved.

Mr. A. Johnson presented the petition of citizens of the town of Lincklaen, praying for a law to designate the place for holding the next town meeting in said town.

On motion of Mr. Kennedy,

*Ordered*, That the said petition be referred to a select committee, consisting of the Chenango delegation.

Mr. McNeal presented the petition of 44 inhabitants of Erie co., praying for an act making the county clerk of that county a salaried office, which was read and referred to the committee on the judiciary.

Mr. Slocum presented two petitions of sundry inhabitants of the town of Onondaga, for an act authorising the overseers of road districts number 6 and 48, to expend the highway tax of said district in constructing side-walks along the same, which was read and referred to the committee on roads and bridges.

Mr. L. Ward Smith presented six petitions of inhabitants of Steuben and Wyoming counties, for an act limiting the quantity of land hereafter to be acquired by any one individual, also a homestead exemption and a ten hours law, which was read and referred to a select committee on that subject.

Mr. Pardee presented the petition of inhabitants of the town of Alabama, Genesee co., for "land limitation," and "homestead exemption," which was read and referred to the select committee on that subject.

Mr. Cross presented the petition of the common council of the city of Brooklyn in favor of the proposed charter of that city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Graham presented the remonstrance of 200 inhabitants of Woodstock in reference to the Saugerties and Woodstock turnpike

road, which was read and referred to the committee on roads and bridges.

Mr. Averill presented six remonstrances from the citizens of Canajoharie, together with the certificate of the town clerk in regard to a vote taken at an annual town meeting, against any division of said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Dodge presented the petition of the mayor, aldermen and commonalty of the city of New-York, for the passage of a law amendatory of the fire laws now in force in that city, which was read and referred to a select committee, consisting of the New-York delegation.

Mr. Bowen presented the petition of merchants of New-York, praying that a law in accordance with the recommendation of the Comptroller respecting insurance companies, may be passed, which was read and referred to the committee on banks and insurance companies.

Mr. Elwood presented the remonstrance of 70<sup>7</sup>/<sub>10</sub> citizens of Rome, in the county of Oneida, against the passage of a law authorising an increase of Supervisors in the city of Utica, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. M. Gilbert presented the petition of the Supervisors of Otsego co., for a law requiring the publication of certain contingent expenses of the Legislature, which was read and referred to the committee on grievances.

Mr. Disosway presented the petition of William H. Pillow of New-York for a divorce from Ann Pillow his wife, with her consent to the same, which was read and referred to the committee on the judiciary.

Mr. Markel presented the petition of H. D. Brundage of Lodi, Seneca county, for an act to confirm his official acts as justice of the peace, which was read, and referred to the committee on the judiciary.

Mr. Crispell presented the petition of 41 inhabitants of Kingston, Ulster co., for a law prohibiting the use of drift nets in the Hudson river during the months of April, May and June, in every part of said river north of the city of New-York, which was read.

On motion of Mr. Crispell,

*Ordered*, That said petition be referred to a select committee.

*Ordered*, That Mr. Crispell, Mr. W. S. Smith, Mr. Roblee, Mr. Brinkerhoff and Mr. Curtis, be such committee.

Mr. Rounseville presented the petition of the electors of the town of Covert, Seneca co., for an act to annex a part of that town to the town of Ovid and the remaining portion to Tompkins co., which was read and referred to the committee on the erection and division of town and counties.

Mr. Richards presented the remonstrance of 79 inhabitants of Wyoming co., against any amendment of the Hornellsville and Attica railroad charter, which was read and referred to the committee on railroads.

Mr. Folger, from the committee on public lands, to which was referred the petition of J. W. Davis, of Chesterfield, for relief from an error at the land office, reported, and asked and obtained leave to bring in a bill, entitled "An act to remunerate Jonathan W. Davis for losses from the failure of title to certain lands in Essex county sold by the Comptroller at the tax sales of 1839;" which was read the first time and by unanimous consent was also read a second time and committed to the committee of the whole house.

Mr. Folger, from the committee on public lands, to which was referred the petition of Fredrick Philpse and others, for a grant of lands under water in Philipstown, Putnam county, reported, and asked and obtained leave to bring in a bill, entitled "An act granting certain lands under water in Philipstown, Putnam co., to Fredrick Philpse and others," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of Hiram Walker, for a law authorising the supervisors of Oswego co. to make certain assessments for the payment of collectors' fees, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the board of supervisors of Oswego county to make certain assessments;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole house.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Seward, for a law to authorise them to build a town house, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Stevenson, from the committee on charitable and religious societies, to which was referred the petition of the Presbyterian church at Bath, for a law to enable them make certain repairs and improvements on their church, reported, and asked and obtained leave to bring in a bill, entitled "An act to enable the trustees of the Bath Presbyterian congregation to make certain repairs and improvements in their church," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. St. John from the committee on the internal affairs of towns and counties, to which was referred so much of the annual message of the Governor as relates to the powers and duties of boards of supervisors, reported, and asked and obtained leave to bring in a bill, entitled "An act to extend the powers and duties of the boards of supervisors and for other purposes;" which was read the first time,

and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. Bagley, from the committee on the judiciary, to which was referred the bill entitled "An act to confirm the official acts of Henry G. Button, a justice of the peace of the town of Westville," to report complete, report that the committee had gone through the said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagley from the committee on the judiciary to which was referred the petition of James Hay, a citizen of the United States, for a release of the Leake escheat, reported, and asked to be discharged from the further consideration of the said petition, and that the same be referred to the committee on the petitions of aliens.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Willard, from the select committee, to which was referred so much of the report of the Comptroller as relates to the Tioga coal, iron, mining and manufacturing company, reported, and asked to be discharged from the further consideration of the said subject.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the negative.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleeker, for the year 1847."

"An act to regulate the taking of oysters, clams, and other shell fish, in the bays and harbors in the town of North Hempstead, Queens co."

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. Cross from the select committee appointed to enquire into the cause of the dampness of the atmosphere in the Assembly chamber, reported in writing.

(*See Doc. No. 44.*)

*Ordered*, That the said report be laid upon the table.

Mr. McLean moved to print twice the usual number of the said report for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

A communication from the Comptroller in answer to a resolution of this House of Jan. 22, asking information as to the amount of money paid Anthony L. Robertson, one of the commissioners of the code, was received and laid on the table.

(*See Doc. No. 42.*)

A message from the Senate was received and read, in the words following to wit:

*Resolved*, That a respectful message be sent to the Assembly, requesting the transmission to the Senate of the papers on file in that House relating to the reduction of wharfage on the pier of Albany basin.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

A communication from the Secretary of State, transmitting the annual report of the New-York Institution for the instruction of the Deaf and Dumb, was received and read in the words following, to wit:

SECRETARY'S OFFICE, }  
Albany Jan. 23, 1849. }

*To the Speaker of the Assembly.*

SIR: I herewith transmit the twenty-ninth annual report and documents of the New-York Institution for the instruction of the Deaf and Dumb, to the Legislature of the State of New-York.

Very respectfully,

Your obedient serv't,

CHRISTOPHER MORGAN.

*Sec'y of State.*

*Ordered*, That the said report be referred to the committee on charitable and religious societies.

Mr. Fiske moved that ten times the usual number of the said report be printed for the Legislature, 500 copies for the Institution, and 500 copies for the Secretary of State.

*Ordered*, That the said motion be referred to the committee on public printing.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith returned, entitled "An act to authorize the Young Men's Association of the city of Buffalo to borrow money for the erection of a building."

"An act relating to highways in the towns of East Chester and White Plains."

"An act to authorize the clerk of the county of Erie to appoint a special deputy."

*Ordered*, That the Clerk deliver the said bills to the Governor

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled, "An act for the relief of certain purchasers of lands from the Trust Fire Insurance Company in the city of New-York;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

The engrossed bill from the Senate entitled "An act to incorporate the American Baptist Home Mission Society, passed April 12, 1843," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 101 }  
{ NAYS 00 }

Those who voted in the affirmative are,

r. B. Allen	Mr. A. Gilbert	Mr. Prescott
r. Averill	Mr. Glass	Mr. Pruyn
r. Bagley	Mr. Goddard	Mr. Raynor
r. Bailey	Mr. Goff	Mr. Richards
r. Barber	Mr. Gove	Mr. Roblee
r. Beekman	Mr. Graham	Mr. A. Robertson
r. Bellinger	Mr. Green	Mr. W. H. Robertson
r. Boardman	Mr. Guernsey	Mr. Rounseville
r. Bogart	Mr. Hale	Mr. St. John
r. Boughton	Mr. Hall	Mr. Skeel
r. Bowen	Mr. Harmon	Mr. Slocum
r. Boyce	Mr. Hart	Mr. L. Ward Smith
r. Brinkerhoff	Mr. Hoyt	Mr. W. S. Smith
r. Brewer	Mr. A. Johnson	Mr. Speaker
r. Budd	Mr. Kelsey	Mr. Stevens
r. Bush	Mr. Kennedy	Mr. Stevenson
r. Button	Mr. Leavenworth	Mr. Stewart
r. L. Butts	Mr. McKinney	Mr. Stryker
r. W. Butts	Mr. McLean	Mr. Sweet
r. Campbell	Mr. McNeal	Mr. Taylor
r. Carver	Mr. Maine	Mr. Terry
r. Crispell	Mr. Markel	Mr. B. Thompson
r. Crittenden	Mr. Marsh	Mr. J. E. Thompson
r. Cross	Mr. Mersereau	Mr. H. C. Tuthill
r. Curtis	Mr. Miller	Mr. Van Auken
r. Disosway	Mr. Moffatt	Mr. Varnum
r. Elderkin	Mr. Mowry	Mr. Vincent
r. Elwood	Mr. Nash	Mr. Ward
r. Fish	Mr. Pardee	Mr. Wells
r. Fiske	Mr. Pease	Mr. Wheaton
r. Fitzhugh	Mr. Perley	Mr. Willard
r. Folger	Mr. Picket	Mr. Woodruff
r. Fox	Mr. Pierce	Mr. Young
r. Gates	Mr. Porter	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with amendments.

The engrossed bill from the Senate entitled "An act to release the interest of the state in certain real estate of which Lewis Ciprien Mango, an alien, died possessed, to Margaret Ann Mango his widow," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows:



{ AYES 98 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Raynor
Mr. H. J. Allen	Mr. Goddard	Mr. Richards
Mr. Bagley	Mr. Goff	Mr. Roblee
Mr. Bailey	Mr. Gove	Mr. A. Robertson
Mr. Bellinger	Mr. Graham	Mr. W. H. Robertson
Mr. Boardman	Mr. Guernsey	Mr. Rockwell
Mr. Bogart	Mr. Hale	Mr. Rounseville
Mr. Boughton	Mr. Hall	Mr. St. John
Mr. Boyce	Mr. Harmon	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Sloum
Mr. Brewer	Mr. Hoyt	Mr. L. Ward Smith
Mr. Budd	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bush	Mr. Kelsey	Mr. Speaker
Mr. Button	Mr. Leavenworth	Mr. Stevens
Mr. L. Butts	Mr. McKinney	Mr. Stevenson
Mr. Campbell	Mr. McLean	Mr. Stewart
Mr. Carver	Mr. McNeal	Mr. Stryker
Mr. Cornell	Mr. Maine	Mr. Sweet
Mr. Crispell	Mr. Marsh	Mr. Taylor
Mr. Crittenden	Mr. Mersereau	Mr. Terry
Mr. Cross	Mr. Miller	Mr. B. Thompson
Mr. Curtis	Mr. Moffatt	Mr. J. E. Thompson
Mr. Disosway	Mr. Mowry	Mr. H. C. Tuthill
Mr. Elderkin	Mr. Nash	Mr. Van Auken
Mr. Elwood	Mr. Noble	Mr. Varnum
Mr. Fish	Mr. Pardee	Mr. Vincent
Mr. Fiske	Mr. Pease	Mr. Ward
Mr. Fitzhugh	Mr. Perley	Mr. Wells
Mr. Folger	Mr. Picket	Mr. Wheaton
Mr. Fox	Mr. Pierce	Mr. Willard
Mr. Gates	Mr. Porter	Mr. Woodruff
Mr. A. Gilbert	Mr. Prescott	Mr. Young
Mr. L. M. Gilbert	Mr. Pruyn	

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to regulate the taking of oysters, clams, and other shell fish in the bays and harbors in the town of North Hempstead, Queens county," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 97 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Prescott
Mr. H. J. Allen	Mr. Goddard	Mr. Pruyn
Mr. Bagley	Mr. Goff	Mr. Raymor
Mr. Bailey	Mr. Graham	Mr. Richards
Mr. Bellinger	Mr. Guernsey	Mr. Roblee
Mr. Boardman	Mr. Hale	Mr. A. Robertson
Mr. Bogart	Mr. Hall	Mr. W. H. Robertson
Mr. Boughton	Mr. Harmon	Mr. Rockwell
Mr. Boyce	Mr. Hart	Mr. Rounseville
Mr. Brinkerhoff	Mr. Hoyt	Mr. St. John
Mr. Brewer	Mr. A. Johnson	Mr. Skeel
Mr. Budd	Mr. M. Johnson	Mr. Slocum
Mr. Bush	Mr. Kelsey	Mr. L. Ward Smith
Mr. Button	Mr. Kennedy	Mr. W. S. Smith
Mr. L. Butts	Mr. Kidd	Mr. Speaker
Mr. Campbell	Mr. Leavenworth	Mr. Stevens
Mr. Carver	Mr. McKinney	Mr. Stevenson
Mr. Cornell	Mr. McLean	Mr. Stewart
Mr. Crispell	Mr. McNeal	Mr. Stryker
Mr. Crittenden	Mr. Maine	Mr. Terry
Mr. Cross	Mr. Markel	Mr. B. Thompson
Mr. Curtis	Mr. Marsh	Mr. J. E. Thompson
Mr. Disosway	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Elderkin	Mr. Miller	Mr. Van Auken
Mr. Elwood	Mr. Moffatt	Mr. Vincent
Mr. Fish	Mr. Mowry	Mr. Ward
Mr. Fiske	Mr. Nash	Mr. Wells
Mr. Fitzhugh	Mr. Noble	Mr. Wheaton
Mr. Folger	Mr. Pardee	Mr. Whittaker
Mr. Fox	Mr. Pease	Mr. Willard
Mr. Gates	Mr. Perley	Mr. Woodruff
Mr. A. Gilbert	Mr. Porter	Mr. Young
Mr. L. M. Gilbert		

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For the negative,

Mr. Picket

1

Ordered, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act authorizing the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleeker for the year 1847," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 99 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Pruyn
Mr. H. J. Allen	Mr. Goddard	Mr. Rayner
Mr. Bagley	Mr. Goff	Mr. Richards
Mr. Bailey	Mr. Gove	Mr. Roblee
Mr. Barber	Mr. Graham	Mr. A. Robertson
Mr. Bellinger	Mr. Guernsey	Mr. W. H. Robertson
Mr. Boardman	Mr. Hale	Mr. Rockwell
Mr. Bogart	Mr. Hall	Mr. Rounseville
Mr. Boughton	Mr. Harmon	Mr. St. John
Mr. Boyce	Mr. Hart	Mr. Skeel
Mr. Brinkerhoff	Mr. Hoyt	Mr. Slocum
Mr. Brewer	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Budd	Mr. Kelsey	Mr. W. S. Smith
Mr. Bush	Mr. Kennedy	Mr. Speaker
Mr. Button	Mr. Leavenworth	Mr. Stevens
Mr. L. Butts	Mr. McKinney	Mr. Stevenson
Mr. Campbell	Mr. McLean	Mr. Stryker
Mr. Carver	Mr. McNeal	Mr. Sweet
Mr. Cornell	Mr. Maine	Mr. Taylor
Mr. Crispell	Mr. Markel	Mr. Terry
Mr. Crittenden	Mr. Mersereau	Mr. B. Thompson
Mr. Cross	Mr. Miller	Mr. J. E. Thompson
Mr. Curtis	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Disosway	Mr. Mowry	Mr. Van Auken
Mr. Elderkin	Mr. Nash	Mr. Varnum
Mr. Elwood	Mr. Noble	Mr. Vincent
Mr. Fish	Mr. Pardee	Mr. Ward
Mr. Fiske	Mr. Pease	Mr. Wells
Mr. Fitzhugh	Mr. Perley	Mr. Wheaton
Mr. Folger	Mr. Picket	Mr. Whittaker
Mr. Fox	Mr. Pierce	Mr. Willard
Mr. Gates	Mr. Porter	Mr. Woodruff
Mr. A. Gilbert	Mr. Prescott	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

In pursuance of previous notice Mr. W. H. Robertson asked for and obtained leave to bring in a bill entitled "An act to authorize William A. Darling to establish and continue a ferry across the Hudson river, from Piermont to the opposite shore in the county of Westchester;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on roads and bridges.

In pursuance of previous notice Mr. Wells asked for and obtained leave to bring in a bill entitled "An act to regulate the expenditures of the highway tax in parts of Essex, Hamilton and Warren counties;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice Mr. Harmon asked for and obtained leave to bring in a bill entitled "An act to amend an act passed April 12, 1848, to require superintendents of the poor to give bonds;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice Mr. Folger asked for and obtained leave to bring in a bill entitled "An act to provide for the election of chief of police in the city of New-York by the people;" which was read the first time, and by unanimous consent was also read a second time and referred to a select committee consisting of the New-York delegation.

In pursuance of previous notice Mr. Willard asked for and obtained leave to bring in a bill entitled "An act to prevent frauds in the manufacture of patent medicines and nostrums and other medicinal compounds," which was read the first time, and by unanimous consent was also read a second time.

Mr. Pardee moved that the said bill be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pardee, and it was determined in the negative.

Mr. Wing moved to refer the said bill to the committee on medical societies and colleges.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wing, and it was determined in the affirmative.

Mr. Stevenson gave notice that he would at an early day ask leave to bring in a bill to regulate the right of dower of widows, whose husbands deceased non-residents of this state.

Leave of absence was granted to Mr. Hammond and Mr. Danforth for seven days each, and to Mr. Wisewell for eight days.

On motion of Mr. Wells,

The House proceeded to the consideration of the preamble and resolution heretofore offered by him in the words following, to wit:

**WHEREAS**, All experience has proved, that in physical as well as mental maladies, excitement is always deleterious, and often fatal; therefore,

**Resolved**, In view of the near approach of the Asiatic cholera, and for the purpose of allaying public excitement and alarm, and adopting preventives, that a committee be appointed to be styled the committee on public health, whose duty it shall be to enquire into and adopt the best method for bringing about the end proposed.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

On motion of Mr. Varnum,

**Resolved**, That a respectful message be sent to the Senate requesting that body to return to the House, the papers on file, if any, in

relation to the application of the Hornellsville and Attica railroad, for an amendment to its charter.

Mr. St. John offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Comptroller be requested to report to this House the entire amount of expenses incurred under the law appointing commissioners on practice and pleadings, and commissioners on the code, specifying the amount incurred on account of each of the said commissioners, including printing, clerk hire, and other expenses pertaining thereto; and what amount of such expenses have been paid and the amount thereof remaining unpaid.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Leavenworth,

The House proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, (if the Senate concur) That a survey be made, and be reported to the present Legislature the most feasible and practicable way of draining the Cayuga, Montezuma, and Cruso marshes, and what effect the lowering of the Seneca River will have upon the state canals, and whether the embankment made by the Auburn and Rochester Railroad Company across the Cayuga outlet, has a tendency to set back the waters of the Cayuga lake, at the head.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Slocum,

*Resolved*, That the bill and papers relating thereto, being an act entitled an act to provide for the sale of certain lands belonging to the people of this state and for the purchase of other lands, be taken from the files and referred to the standing committee on the manufacture of salt.

On motion of Mr. Fiske,

*Resolved*, That the bill entitled "An act relating to pilots of the port of New-York," be recommitted to the committee on commerce and navigation, and that the same retain its place on the general orders.

Mr. Brewer gave notice that at an early day he would ask leave to introduce a bill to amend the act in relation to the fees and compensation of certain officers in the city of New-York, passed Dec. 10, 1847.

On motion of Mr. L. Ward Smith,

*Resolved*, That the petition and papers of Ebenezer Prescott, praying an appraisement and payment of canal damages be taken from the files of the last House, and referred to the committee on claims.

Mr. Wells gave notice that he would at some early day introduce a bill authorizing plank road companies to construct plank roads but three rods wide on sections where the public highways are used by contract with commissioners of highways, and which highways are laid out but three rods wide.

Mr. Hale offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur) That Lieut. Col. Wm. Wallace Smith Bliss, by his noble and gallant bearing in the service of his country, has reflected distinguished honor upon this his native state, and is therefore entitled to the thanks of her people, which are hereby rendered him, and that in token of their appreciation of his worth as a soldier and a man, the Governor be requested to procure a sword and present the same to Col. Bliss in the name of the people of this state, together with a copy of this resolution.

*Ordered*, That the said resolution be laid upon the table.

The House then again resolved itself into a committee of the whole on the engrossed bill from the Senate entitled "An act to authorize the abatement of a nuisance on lands owned by the people of the state of New-York, and other lands in the city of Syracuse," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. White from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent,

The engrossed bill from the Senate entitled "An act to authorize the abatement of a nuisance on lands owned by the people of the state of New-York, and other lands in the city of Syracuse," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 81 }  
{ NAYS 03 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Prescott
Mr. H. J. Allen	Mr. Glass	Mr. Pruyn
Mr. Averill	Mr. Goddard	Mr. Raynor
Mr. Bellingier	Mr. Goff	Mr. Richards
Mr. Boardman	Mr. Hall	Mr. A. Robertson
Mr. Bogart	Mr. Harmon	Mr. W. H. Robertson
Mr. Boughton	Mr. Hart	Mr. Rounseville
Mr. Bowen	Mr. Hoyt	Mr. St. John
Mr. Boyce	Mr. Hudson	Mr. Skeel
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Slocum
Mr. Brewer	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Budd	Mr. Kelsey	Mr. W. S. Smith
Mr. Button	Mr. Kennedy	Mr. Stevenson
Mr. L. Butts	Mr. Kid <sup>d</sup>	Mr. Stewart
Mr. Carver	Mr. McKinney	Mr. Stryker
Mr. Cornell	Mr. Markel	Mr. B. Thompson
Mr. Crispell	Mr. Marsh	Mr. Van Auken

Mr. Crittenden	Mr. Mersereau	Mr. Van Orden	
Mr. Cross	Mr. Miller	Mr. Varnum	
Mr. Culbert	Mr. Moffatt	Mr. Ward	
Mr. Disosway	Mr. Mowry	Mr. Wells	
Mr. Elderkin	Mr. Noble	Mr. Wheaton	
Mr. Fish	Mr. Pease	Mr. White	
Mr. Fiske	Mr. Perley	Mr. Wing	
Mr. Fitzhugh	Mr. Picket	Mr. Willard	
Mr. Fox	Mr. Pierce	Mr. Woodruff	
Mr. Gates	Mr. Porter	Mr. Young	81

Those who voted in the negative are,

Mr. Elwood	Mr. A. Gilbert	Mr. McLean	3
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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The House then again resolved itself into a committee of the whole on the bill entitled "An act to amend an act entitled 'An act in relation to justices and police courts in the city of New-York,' passed March 30, 1848, and an act amendatory to the same, passed April 12, 1848," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Boughton from said committee reported progress.

Mr. Stryker moved the said bill be referred to a select committee composed of the New-York delegation, to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Stryker, and it was determined in the affirmative.

And then at two o'clock p. m.,

On motion of Mr. Noble,

The House adjourned.

## THURSDAY, JANUARY 25, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Clapp.

The minutes of yesterday were read and approved.

Mr. Crispell presented the petition of inhabitants of the town of New Paltz, for an act authorising the draining of the Springtown swamp, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Disosway presented the petition of sundry inhabitants of the city of New-York and its vicinity, praying for a charter to the "Columbia Life Insurance and Annuity company," to be located in said city, which was read and referred to the committee on banks and insurance companies.

Mr. Boardman presented the petition of inhabitants of the towns of Hume and Granger, Allegany co., for an act authorising the construction of a bridge across the Genesee river, near the village of Mixville in that county, which was read and referred to the committee on roads and bridges.

Mr. Marsh presented the petition of G. Sackett and 531 other inhabitants of the town of Lyme, Jefferson county, for a division of said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Wing presented the remonstrance of R. Forsyth, Harmanus Bleecker, and other citizens of Albany, against the contemplated project of requiring steamboats to land their passengers only at one particular wharf, which was read and referred to the select committee on that subject.

Mr. Noble presented the petition of sundry inhabitants of the town of Cherry Valley, for a division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Maine presented the petition of inhabitants of Brookfield, Madison co., praying for an act limiting the quantity of land hereafter to be acquired by any one individual, and for homestead exemption, which was read and referred to the select committee on that subject.

Mr. Elwood presented two remonstrances from inhabitants of Oneida county, against any increase in the number of supervisors in the city of Utica, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Brewer presented the petition of the supervisors of the city of New-York, for an act to amend an act relating to the fees and compensation of certain officers in the city and county of New-York, passed Dec. 10, which was read and referred to a select committee consisting of the New-York delegation.

Mr. Fiske presented the petition of Henry Ruggels, president of the Brooklyn gas company, for an act permitting them to lay gas pipes in that city, which was read and referred to the committee on trade and manufactures.

Mr. Fox presented the petition of certain inhabitants of Jefferson county, for the abolition of capital punishment, which was read and laid on the table.

Mr. Raynor presented the petition of the Attica and Hornellsville Railroad company for an act amending an act relative to the appraisal of certain lands, which was read and referred to the committee on railroads.

Mr. Whittaker presented the petition of 32 inhabitants of Tompkins, Delaware co., praying for the erection of a new county from parts of Broome, Chenango, Delaware and Otsego counties, which was read and referred to the committee on the erection and division of towns and counties.



Mr. Sexton presented the petition of 288 electors of the town of Seward, in the county of Schoharie, for a law designating the place to hold their annual town meeting, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. W. S. Smith presented the petition of the board of education of the town of Flushing, praying for an amendment of the act to establish free schools in district No. 5, in the town of Flushing, which was read and referred to the committee on colleges, academies and common schools.

Mr. Crispell presented the petition of the New-York State Agricultural society, for a republication of the Natural History of the State, in a cheap form, which was read and referred to the committee on colleges academies and common schools.

Mr. J. E. Thompson presented two petitions of inhabitants of the town of Tompkins, Delaware county, praying for an act erecting a new county from parts of Broome, Delaware, Otsego and Chenango counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. L. Butts presented the petition of the commissioners of the Middletown and Delhi turnpike company, in the county of Delaware, praying for an amendment of their charter, which was read and referred to the committee on roads and bridges.

Mr. Disosway presented the petition of sundry inhabitants of the city of New-York to abolish the present usury laws, which was read and referred to the committee on the judiciary.

Mr. L. Ward Smith presented the petition of John Haywood and 4000 others, praying for an act directing the sale of lands sold for taxes, to be held in the several counties respectively, in which such lands may be situated, which was read and referred to the select committee on that subject.

Mr. Elwood presented the petition of the commissioners of highways of the town of Boonville, Oneida co., for the appraisal and payment of damages done to a road in said town by a break in the Black river canal feeder, which was read and referred to the committee on canals.

Mr. Elwood presented the petition of George W. Manchester, for an act authorising the appraisal and payment of damages sustained by him in consequence of the breaking of the Black river canal feeder, which was read and referred to the committee on canals.

Mr. Disosway presented two petitions of inhabitants of school district No. 7, in the town of Castleton, Richmond co., to establish free schools in the State, or if this be denied, to establish them in Richmond co., which was read and referred to the committee on colleges academies and common schools.

Mr. Slocum presented the petition of John J. Hopper for relief by the payment for lands taken by the State for the enlargement of the Erie Canal, which was read and referred to the committee on grievances.

Mr. Hoyt presented the petition of O. S. Dimmick for an act ex-

tending the charter of a ferry across the Delaware river, near Port Jarvis, which was read and referred to the committee on roads and bridges.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bill entitled as follows, to wit:

"An act to confirm the official acts of Henry G. Button, a justice of the peace of the town of Westville."

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

Mr. Bowen from the committee on trade and manufactures to which was referred the act entitled "An act to amend the act to authorise the formation of the Niagara Falls House company, passed March 24, 1848," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Boughton, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Fernando Wood," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. J. E. Thompson from the committee on public printing to which was referred the motion to print ten times the usual number of the annual report of the New-York Institution for the instruction of the Deaf and Dumb, for the use of the Legislature, and 500 for the Institution, and 500 for the Secretary of State, reported and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of the said report be printed for the use of the Legislature, 500 for the Institution, and 250 for the Secretary of State.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. W. S. Smith, from the committee on ways and means, to which was referred the petition of the directors of the New-York Institution for the instruction of the Deaf and Dumb, for an appropriation of money to extinguish their debts, reported, and asked for and obtained leave to introduce a bill, entitled "An act making an appropriation to the New-York Institution for the instruction of the Deaf and Dumb, to enable them to pay off their debts," which was read the first time and by unanimous consent was also read a second time and committed to the committee of the whole House.

Mr. A. Johnson from the committee on Colleges, academies and common schools to which was referred the bill, entitled "An act to amend section 10, chapter 480 of the laws of 1847, relative to the office of town superintendent of common schools, and amendatory

of the Revised Statutes, entitled 'Of public instruction,' reported in favor with amendments and the title amended so as to read, "An act to amend an act entitled 'An act relative to the office of town superintendents of common schools, and amendatory of the Revised Statutes, entitled 'Of public instruction,' passed December 15, 1847.'"

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Mowry from the committee on railroads to which was referred the bill, entitled "An act to declare the public use of a railroad from Auburn to Binghamton," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bailey from the committee on the judiciary to which was referred the resolution of the board of supervisors of the county of Albany, for a law to make the office of district attorney in said county a salary office, reported and asked for and obtained leave to bring in a bill, entitled "An act to amend an act concerning the district attorney of the county of Albany, passed Feb. 21, 1840;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole house.

Mr. J. E. Thompson from the committee on public printing, to which was referred the motion to print twice the usual number of the report of the select committee on the ventilation of the Assembly Chamber, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That twice the usual number of the said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bailey from the committee on the judiciary to which was referred the resolutions of the board of supervisors of Columbia co., praying for a law to make the district attorney of said county a salary officer, reported, and asked, and obtained leave to bring in a bill entitled "An act to regulate the salary of the district attorney of the county of Columbia," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Boughton, from the committee on the judiciary, to which was referred the bill entitled "An act in relation to the court of sessions in Kings county," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pardee, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of Moriah, Essex co., praying for an alteration of the line

between said town and the town of North Hudson, reported and asked, and obtained leave to bring in a bill entitled "An act to alter and settle the east line of the town of North Hudson, Essex county;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Wells from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled "An act releasing the interest of the state in the property of the St. James' church, in Saratoga county, to the wardens and vestry of Christ's church in the town of Milton, Saratoga county," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Averill from the committee on roads and bridges to which was referred the bill entitled "An act to authorise William A. Darling to establish and continue a ferry across the Hudson river from Piermont to the opposite shore, in the county of Westchester," reported that the committee had gone through said bill and agreed to the same with amendments, and altered the title so as to read "An act to authorise Benjamin S. James and James S. Shults, to establish and continue a ferry across the Hudson river from Piermont to the opposite shore, in the county of Westchester," which report was agreed to.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. A. Johnson, from the select committee to which was referred the petition of sundry inhabitants of the town of Lincklaen praying for a law to designate the place for holding the next town meeting in said town, reported, and asked, and obtained leave to bring in a bill entitled "An act to establish the place for holding the town meeting in the town of Lincklaen for the year 1849;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

A message from the Governor, was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, January 24, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bills, entitled as follows, to wit:

"An act to extend the time for the collection of taxes."

"An act to confirm the title of the trustees of the First Baptist church and society of Newfane to certain lands."

"An act to authorise the Young Men's Association of the city of Buffalo to borrow money for the erection of a building."

"An act relating to highways in the towns of East Chester and White Plains."

"An act to authorise the clerk of the county of Erie to appoint a special deputy."

#### HAMILTON FISH.

A communication from B. P. Johnson, corresponding secretary of the New-York State Agricultural Society, presenting the thanks of the society to the Assembly for the use of the Assembly Chamber and other courtesies during the session of the society, was received and laid upon the table.

A communication from the Adjutant General in answer to a resolution of this House of Jan. 23, and in relation to the first division of the New-York State militia, was received and referred to the committee on militia and public defence.

(See Doc. No. 45.)

A communication from Anthony L. Robertson, one of the commissioners of the code, was received and read.

(See Doc. No. 46.)

A message from the Senate was received and read, informing that they had passed the bill therewith returned entitled "An act to authorise the trustees of the village of Williamsburgh to raise money by loan to pay certain debts," with the amendments therewith delivered.

Mr. Boughton moved the House do concur in the said amendment.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Boughton, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 105 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Pruyn
Mr. H. J. Allen	Mr. Goddard	Mr. Quackenboss
Mr. Averill	Mr. Goff	Mr. Raynor
Mr. Bailey	Mr. Graham	Mr. Richards
Mr. Barber	Mr. Green	Mr. Roblee
Mr. Beekman	Mr. Guernsey	Mr. A. Robertson
Mr. Bellinger	Mr. Hale	Mr. W. H. Robertson
Mr. Boardman	Mr. Hall	Mr. Rockwell
Mr. Boughton	Mr. Harmon	Mr. Rounseville
Mr. Bowen	Mr. Hart	Mr. St. John
Mr. Boyce	Mr. Hoyt	Mr. Sexton
Mr. Brinkerhoff	Mr. Hudson	Mr. Skeel
Mr. Brewer	Mr. A. Johnson	Mr. Slocum
Mr. Budd	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Bush	Mr. Kelsey	Mr. W. S. Smith

Mr. L. Butts	Mr. Kennedy	Mr. Speaker
Mr. Campbell	Mr. Kidd	Mr. Stevens
Mr. Carver	Mr. Leavenworth	Mr. Stevenson
Mr. Cornell	Mr. McKinney	Mr. Stewart
Mr. Crispell	Mr. McLean	Mr. Stryker
Mr. Crittenden	Mr. McNeal	Mr. Sweet
Mr. Cross	Mr. Maine	Mr. Terry
Mr. Culbert	Mr. Markel	Mr. B. Thompson
Mr. Curtis	Mr. Miller	Mr. J. E. Thompson
Mr. Danforth	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Disosway	Mr. Mowry	Mr. Van Auker
Mr. Dodge	Mr. Nash	Mr. Van Orden
Mr. Elderkin	Mr. Noble	Mr. Varnum
Mr. Elwood	Mr. Pardée	Mr. Vincent
Mr. Fiske	Mr. Pease	Mr. Wells
Mr. Fitzhugh	Mr. Perley	Mr. Wheaton
Mr. Folger	Mr. Picket	Mr. White
Mr. Fox	Mr. Pierce	Mr. Wing
Mr. A. Gilbert	Mr. Porter	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Prescott	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with amendments.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to provide for filling vacancies in office;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

A message from the Senate was received and read, informing that they had passed without amendment the bill therewith returned, entitled "An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol."

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That a respectful message be sent to the Honorable the Assembly, requesting the transmission to the Senate, of the petitions and papers relating to the claim of John I. Walrath.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill entitled "An act to confirm the official acts of Henry G. Button, a justice of the peace of the town of Westville," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 102 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Raynor
Mr. H. J. Allen	Mr. Graham	Mr. Richards
Mr. Bailey	Mr. Green	Mr. Roblee
Mr. Bellinger	Mr. Guernsey	Mr. A. Robertson
Mr. Boardman	Mr. Hale	Mr. W. H. Robertson
Mr. Boughton	Mr. Hall	Mr. Rockwell
Mr. Bowen	Mr. Hart	Mr. Rounseville
Mr. Boyce	Mr. Hoyt	Mr. St. John
Mr. Brinkerhoff	Mr. Hudson	Mr. Sexton
Mr. Brewer	Mr. A. Johnson	Mr. Skeel
Mr. Budd	Mr. M. Johnson	Mr. Slocum
Mr. Bush	Mr. Kelsey	Mr. L. Ward Smith
Mr. L. Butts	Mr. Kennedy	Mr. Speaker
Mr. Campbell	Mr. Kidd	Mr. Stevens
Mr. Carver	Mr. Leavenworth	Mr. Stevenson
Mr. Crispell	Mr. McKinney	Mr. Stewart
Mr. Crittenden	Mr. McLean	Mr. Stryker
Mr. Cross	Mr. McNeal	Mr. Sweet
Mr. Culbert	Mr. Maine	Mr. Terry
Mr. Curtis	Mr. Markel	Mr. B. Thompson
Mr. Danforth	Mr. Miller	Mr. J. E. Thompson
Mr. Disosway	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Dodge	Mr. Mowry	Mr. Van Auken
Mr. Elderkin	Mr. Nash	Mr. Van Orden
Mr. Elwood	Mr. Noble	Mr. Varnum
Mr. Fiske	Mr. Pardee	Mr. Vincent
Mr. Fitzhugh	Mr. Pease	Mr. Ward
Mr. Folger	Mr. Perley	Mr. Wells
Mr. Fox	Mr. Picket	Mr. Wheaton
Mr. Gates	Mr. Pierce	Mr. White
Mr. A. Gilbert	Mr. Porter	Mr. Whittaker
Mr. L. M. Gilbert	Mr. Prescott	Mr. Wing
Mr. Goddard	Mr. Pruyn	Mr. Woodruff
Mr. Goff	Mr. Quackenboss	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

Mr. L. Ward Smith gave notice that he would at some future day ask leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Monroe County Mutual Insurance Company, passed March 21, 1836.'"

Mr. Cross gave notice that he would at some future day ask leave to introduce a bill entitled "An act to amend an act entitled 'An act to incorporate the Brooklyn city hospital, passed May 8, 1845.'"

Mr. Bailey gave notice that at some future day he would ask leave to introduce a bill to authorise the payment of the guard organised by the sheriff of the county of Columbia, for the protection of the jail in said county, pursuant to the act passed April 15, 1845.

On motion of Mr. Bush,

*Resolved*, That a respectful message be sent to the Senate, requesting them to transmit to this House the petition of James Hay, praying for a release of the Leake escheat by the state, with the papers relating thereto, and that the same when so transmitted, be referred to the committee on the petitions of aliens.

On motion of Mr. Kidd,

*Resolved*, That the committee on state prisons be instructed to inquire and report to this House at as early a day as convenient, whether something cannot be done to render the labor of the Clinton prison more productive, and if not, whether it would not be better for the state to abandon the prison, rather than go on adding largely to the indebtedness of the state, and that said committee examine into the state of the affairs of said prison personally, and that they have power to call for books and papers and examine witnesses on oath.

Mr. Noble gave notice that at some early day he would introduce a bill to repeal all statutes now in force, requiring the payment of fees for services rendered by county judges when acting as such.

Mr. W. S. Smith moved the House reconsider its vote on the adoption of the resolution of Mr. Kidd instructing the committee on state prisons to visit the Clinton prison, with power to send for persons and papers.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the affirmative.

The question being on the adoption of the said resolution.

Debate being had thereon,

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Taylor,

*Resolved*, That the clerk be authorized to furnish to each officer and reporter of the House, a copy of the Legislative Manual, in addition to those already received from the Secretary of State.

Mr. A. Johnson gave notice that at an early day he would ask leave to introduce a bill to prescribe the manner of drawing and summoning jurors in justices' courts.

Mr. Slocum offered for the consideration of the House, a resolution in the words following, to wit:

**WHEREAS**, the infliction of punishment by flogging is a relic of a barbarous age, that is alike revolting to every feeling of humanity, and degrading to the subject of it, and should not therefore be tolerated by a nation claiming to be the most free and enlightened on the globe: therefore

*Resolved*, (if the Senate concur) That our Senators in Congress be instructed, and our Representatives be requested to employ all reasonable means to secure the immediate abolition of this unnatural punishment in the military and naval service of the United States.

*Ordered*, That the said resolution be laid upon the table.

Mr. Slocum offered for the consideration of the House concurrent resolutions in the following words, to wit:



**WHEREAS**, The Congress of the United States did, in 1777, pass a resolution requesting the Governor and Council of the State of New-York to erect a monument of the value of five hundred dollars at the expense of the United States, to the memory of Gen. Nicholas Herkimer, a native of this State, who died of wounds received in vindicating the rights and securing to us the inestimable privileges which we enjoy, and this Legislature cordially responding to the patriotic sentiment contained in the letter conveying to Gov. Clinton the resolution of Congress on that subject; therefore,

*Resolved*, (if the Senate concur,) "That every mark of distinction shown to the memory of such illustrious men as offer up their lives for the liberty and happiness of their country, reflects real honor on those who pay the tribute, and by holding up to others the prospect of fame and immortality will animate them to tread in the same path."

*Resolved*, (if the Senate concur,) That our Senators in Congress be instructed and our Representatives be requested to adopt such measures as they may deem most expedient for the accomplishment of the patriotic purpose for which this appropriation was made.

*Ordered*, That the said resolutions be laid upon the table.

On motion of Mr. Cornell,

*Resolved*, That the use of the Assembly chamber on Tuesday evening next be granted to the New-York Institution for the instruction of the Deaf and Dumb, for the purpose of an exhibition of the progress in education of the pupils of said Institution.

The House then resolved itself into the committee of the whole on the bill, entitled "An act to authorise the further enlargement of the cut in the Albany pier, between the State and Columbia-street bridges," and after some time spent thereon Mr. Speaker resumed the chair, and Mr. Skeel from said committee, reported, that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act for the relief of William Sherman and Uriah Sherman," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Bailey from said committee, reported that the committee had gone through said bill and agreed to the same with amendments, and the title amended so as to read "An act to provide for the appraisal and payment of canal damages sustained by William Sherman and Uriah Sherman," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then again resolved itself into a committee of the whole on the engrossed bill from the Senate entitled "An act to provide for the settlement of the claims of Henry D. Boughton against the bank of Lyons," and after some time spent thereon. Mr. Speaker resumed the chair and Mr. Hudson from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole, on the bill, entitled "An act to fix the time and place for holding the annual town meeting in the town of Carrolton, in the county of Cataraugus," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. L. Butts, from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act for the benefit of certain purchasers of lands, acquired by treaty from the Stockbridge Indians," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Crispell, from said committee reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill, entitled "An act making appropriations in part for the support of government for the fiscal year commencing October 1, 1848, and for other purposes," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Fish from said committee, reported, that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent the engrossed bill, entitled "An act making appropriations in part for the expenses of government, for the fiscal year commencing October 1, 1848, and for other purposes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

YWS:

{ AYES 100 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. Richards
Mr. H. J. Allen	Mr. Graham	Mr. Roblee
Mr. Bailey	Mr. Green	Mr. A. Robertson
Mr. Bellinger	Mr. Guernsey	Mr. W. H. Robertson
Mr. Boardman	Mr. Hale	Mr. Rockwell
Mr. Boughton	Mr. Hall	Mr. Rounseville
Mr. Bowen	Mr. Harmon	Mr. St. John
Mr. Boyce	Mr. Hart	Mr. Sexton
Mr. Brinkerhoff	Mr. Hoyt	Mr. Skeel
Mr. Brewer	Mr. Hudson	Mr. Slocum
Mr. Bush	Mr. A. Johnson	Mr. L. Ward Smith
Mr. L. Butts	Mr. M. Johnson	Mr. W. S. Smith
Mr. Campbell	Mr. Kelsey	Mr. Speaker
Mr. Cornell	Mr. Kennedy	Mr. Stevens

Mr. Crispell	Mr. Leavenworth	Mr. Stevenson
Mr. Crittenden	Mr. McKinney	Mr. Stewart
Mr. Cross	Mr. McLean	Mr. Sweet
Mr. Culbert	Mr. McNeal	Mr. Terry
Mr. Curtis	Mr. Maine	Mr. B. Thompson
Mr. Danforth	Mr. Markel	Mr. J. E. Thompson
Mr. Disosway	Mr. Marsh	Mr. H. C. Tuthill
Mr. Dodge	Mr. Mersereau	Mr. Van Auken
Mr. Elderkin	Mr. Moffatt	Mr. Van Orden
Mr. Elwood	Mr. Pardee	Mr. Varnum
Mr. Fish	Mr. Pease	Mr. Vincent
Mr. Fiske	Mr. Perley	Mr. Ward
Mr. Fitzhugh	Mr. Picket	Mr. Wells
Mr. Folger	Mr. Pierce	Mr. Wheaton
Mr. Fox	Mr. Porter	Mr. White
Mr. Gates	Mr. Prescott	Mr. Whittaker
Mr. A. Gilbert	Mr. Pruyn	Mr. Willard
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Woodruff
Mr. Glass	Mr. Raynor	Mr. Young
Mr. Goddard		

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to provide for the election of justices and a clerk of the municipal court of the city of Brooklyn, and for other puposes," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Guernsey from said committee, reported progress.

Mr. Cross moved that said bill be referred to a select committee, consisting of the delegation from Kings co., to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to repeal an act relating to road No. 2, in the town of Persia, Cattaraugus co.," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Stevenson from said committee, reported that the committee had gone through the said bill and agreed to the same with amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

And then, at two o'clock, p. m.,

On motion of Mr. Pierce,

The House adjourned.

## FRIDAY, JANUARY 26, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Campbell.

The minutes of yesterday were read and approved.

Mr. Willard presented the remonstrance of 253 inhabitants of the town of Independence, in the county of Allegany, against annexing any part of said town to the town of Scio, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Boughton presented the petition of the fifth brigade of militia of this state, praying for the same privileges as are allowed in the first division of the said militia, which was read and referred to the committee on militia and public defence.

Mr. Stevens and Mr. Elwood presented three remonstrances of citizens of Oneida co., against any increase in the number of supervisors in the city of Utica, which were read and referred to the committee of the whole House, when on the bill upon that subject.

Mr. Willard presented the petition of 12 citizens of Allegany co., praying for a law removing the county site of that county from Ansonia to Philipville, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Pardee, Mr. Gates, and Mr. Marsh, presented three several petitions of certain citizens of Rensselaer co., praying for a repeal of the code of procedure, which were read and referred to the committee on the judiciary.

Mr. Harmon presented the petition of sundry citizens of Monroe co., praying for a law authorising the sale of lands sold for unpaid taxes, to be held in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. L. Ward Smith presented the petition of sundry inhabitants of the county of Orleans, praying for a law limiting the time of labor to 10 hours per day, which was read and referred to the select committee on that subject.

Mr. Hale presented 13 several petitions of sundry citizens of Steuben and Allegany counties, for the erection of a new county from parts of the aforesaid counties, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. L. Butts presented the petition of sundry citizens of Otsego and Delaware counties, for the erection of a new county from parts of Otsego, Chenango and Delaware counties, to be called the county of Unadilla, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Fitzhugh presented the petition of 524 citizens of Oswego, praying for a law authorising the construction of a free bridge in that city, which was read and referred to the committee on roads and bridges.

Mr. Kidd presented the petition of sundry inhabitants of West

Farms, Westchester co., praying for the establishment of free schools throughout the state, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Sweet presented the petition of Gilbert Smith for relief in relation to the old stock of the New-York and Erie Railroad Company, which was read and referred to the committee on the judiciary.

Mr. B. Thompson presented the petition of the members of the bar of Erie county, praying for a law authorising the appointment of a crier for their courts, which was read and referred to the committee on the judiciary.

Mr. Crispell presented the petition of the trustees of the village of Ulster, in Ulster county, praying for a law to authorise them to raise money by a tax on said village, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Stryker presented the petition of Gurdon Grant and others, for the repeal of the act passed April 12, 1848, commonly called the code of procedure, which was read and referred to the committee on the judiciary.

Mr. Skeel presented the petition of sundry inhabitants of the town of Scott, Cortland co., for an act declaring the necessity of a railroad from Auburn to Binghamton, passing through the villages of Homer and Cortland, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Pruyn presented the petition of the Albany Dock Association in relation to the cut in the Albany pier, which was read and laid on the table upon that subject.

Mr. J. E. Thompson presented two several petitions of sundry inhabitants of Broome, Delaware, and Chenango counties, for the erection of a new county from parts of Broome, Delaware, Chenango, and Otsego counties, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Beekman presented the memorial of the New-York Historical Society, praying for an act making provision for the publication of the early Records in the Secretary of State's office at Albany, which was read and referred to the joint library committee.

Mr. Brinkerhoff presented the petition of Hotchkiss & Smith for the appointment of commissioners to examine and liquidate the claims against the agent of the state prison at Sing-Sing, which was read and referred to the committee on state prisons.

Mr. Speaker presented the petition of sundry citizens of Rensselaer co., for an endowment of the Rensselaer Institute, and for the establishment of an agricultural professorship therein, which was read and referred to the committee on agriculture.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows:

"An act to repeal an act relating to road district No. 2, in Persia, Cattaraugus co."

"An act to fix the time and place for holding annual town meetings in the town of Carrolton, in the county of Cattaraugus."

"An act to provide for the appraisal and payment of canal damages sustained by William Sherman and Urial Sherman."

"An act to authorise the further enlargement of the opening in the Albany pier, between the State and Columbia street bridges;"

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. Hall, from the committee on claims, to which was referred the petition of Benjamin Wadsworth for damages sustained by the construction of the Eaton Creek reservoir, reported, and asked, and obtained leave to bring in a bill entitled "An act for the appraisal and payment of the damages of Benjamin Wadsworth in the construction of the Eaton Brook reservoir;" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Cross, from the committee on the incorporation of cities and villages, to which was referred the memorial of the convention of citizens of Brooklyn, for an amendment of the charter of said city, reported, and asked and obtained leave to bring in a bill, entitled "An act to revise and amend the several acts relating to the city of Brooklyn;" which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cross,

*Ordered*, That said bill be referred to a select committee composed of the Kings county delegation, to report complete.

Mr. Bowen, from the committee on trade and manufactures, to which was referred the petition of Henry Ruggles, president of the Brooklyn Gas Company, for permission to lay gas pipes in the city of Brooklyn, reported, and asked to be discharged from the further consideration of said petition and that the same be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of O. S. Dimmick, for an amendment of the charter of a ferry across the Delaware river near Port Jervis, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act to authorise Simeon Westfall to establish and continue a ferry across the Delaware river;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Pruyn from the committee on colleges, academies, and common schools, to which was referred the petition of the board of education of district No. 5, of the town of Flushing, for an amendment of the law establishing free schools in said town, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act to establish free schools in district number five in the town of Flushing, passed March 10, 1848," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Pardee, from the committee on the erection and division of

towns and counties, to which was referred the petition of sundry inhabitants of the town of Shandaken, Ulster co., for a division of said town, reported, and asked and obtained leave to bring in a bill, entitled "An act to divide the town of Shandaken and to erect the town of Denning in the county of Ulster;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Averill from the committee on roads and bridges to which was referred the bill entitled "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bowen, from the select committee, to which was referred the memorial of the mayor, aldermen and commonalty of the city of New-York, for the passage of a law amendatory of the fire laws now in force in said city, reported, and asked and obtained leave to bring in a bill, entitled "An act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Bowen, from the select committee, to which was referred the petition of sundry inhabitants of the city of New-York, for the removal of powder magazines in said city, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act in relation to the keeping of gun powder, saltpetre and certain other substances in the city of New-York, passed May 13, 1846;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Boughton, from the select committee, to which was referred the bill entitled "An act to provide for the election of justices and a clerk of the municipal court of the city of Brooklyn and for the filling of vacancies therein," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act to provide for the election of justices of the municipal court of the city of Brooklyn and for the filling of vacancies therein," which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Cornell, from the select committee, to which was referred the bill entitled "An act to amend an act, entitled 'An act in relation to justices and police courts in the city of New-York,' passed March 30, 1848, and an act amendatory to the same, passed April 12, 1848," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments.

Mr. McKinney moved that the said bill be recommitted to the committee of the whole.

Mr. Speaker put the question whether the House would agree to

the said motion of Mr. McKinney, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the report of the committee, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Fiske, from the committee on commerce and navigation, to which was referred the bill entitled "An act relating to pilots of the port of New-York," reported that the committee had had said bill under consideration, made sundry amendments thereto, and altered the title so as to read "An act for the licensing and government of the pilots of the port of New-York by the way of Sandy Hook," and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

A message from the Senate was received and read, informing that they had passed, with the amendments therewith delivered, the bill entitled "An act for the relief of the estate of Rutherford Stuyvesant."

Mr. Cornell moved that the House do concur in said amendments.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Cornell, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 98 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Prescott
Mr. H. J. Allen	Mr. Goff	Mr. Quackenboss
Mr. Bagley	Mr. Graham	Mr. Raynor
Mr. Bailey	Mr. Green	Mr. Richards
Mr. Beekman	Mr. Guernsey	Mr. Roblee
Mr. Bellinger	Mr. Hale	Mr. A. Robertson
Mr. Boardman	Mr. Hall	Mr. W. H. Robertson
Mr. Boughton	Mr. Harmon	Mr. Rounseville
Mr. Brinkerhoff	Mr. Hart	Mr. St. John
Mr. Brewer	Mr. Hoyt	Mr. Skeel
Mr. Budd	Mr. Hudson	Mr. Slocum
Mr. L. Butts	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Buxton	Mr. M. Johnson	Mr. W. S. Smith
Mr. Campbell	Mr. Kelsey	Mr. Speaker
Mr. Carver	Mr. Kennedy	Mr. Stevens
Mr. Cornell	Mr. Kidd	Mr. Stevenson
Mr. Crispell	Mr. Leavenworth	Mr. Stewart
Mr. Crittenden	Mr. McKinney	Mr. Sweet
Mr. Cross	Mr. McLean	Mr. B. Thompson
Mr. Culbert	Mr. McNeal	Mr. J. E. Thompson
Mr. Curtis	Mr. Maine	Mr. H. C. Tuthill



Mr. Disosway	Mr. Markel	Mr. Van Auker
Mr. Dodge	Mr. Marsh	Mr. Van Orden
Mr. Elderkin	Mr. Miller	Mr. Varnum
Mr. Elwood	Mr. Moffatt	Mr. Vincent
Mr. Fish	Mr. Mowry	Mr. Ward
Mr. Fiske	Mr. Nash	Mr. Wells
Mr. Fitzhugh	Mr. Noble	Mr. Wheaton
Mr. Folger	Mr. Pease	Mr. White
Mr. Fox	Mr. Perley	Mr. Whittaker
Mr. Gates	Mr. Picket	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Pierce	Mr. Young
Mr. Glass	Mr. Porter	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

The Senate returned the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the American Baptist Home Mission Society, passed April 12, 1843,'" with a message informing that they have concurred in the 2d, 3d, and 4th amendments, and that they non-concur in the first amendment of the House to said bill in the 7th line of section one, striking out the word "whatsoever," and inserting the words "whomsoever thereafter to be made."

Mr. Fiske moved that a respectful message be sent to the Senate requesting a joint committee of conference upon the matter of disagreement between the two Houses in relation thereto.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the affirmative.

*Ordered*, That in case the Senate consent to such committee of conference, that Mr. Fiske, Mr. Harmon, Mr. Sweet, Mr. Pruyn and Mr. Cornell be of such committee on the part of this House.

The Senate returned the engrossed bills, entitled "An act to authorise the trustees of the village of Williamsburg to raise money by loan to pay certain debts;" and also "An act for the relief of the estate of Rutherford Stuyvesant."

*Ordered*, That the Clerk deliver the said bills to the Governor.

A communication was received from the Secretary of State in relation to the annexation of a part of the commonwealth of Massachusetts, called "Boston Corner," in Berkshire co., to the State of New-York, in the words following, to wit:

SECRETARY'S OFFICE, }  
Albany, Jan, 25, 1849. }

*To the Speaker of the Assembly.*

SIR: I herewith transmit to the Legislature a paper this day served upon me, it being a petition of inhabitants of the district of Boston

Corner, in the commonwealth of Massachusetts, to be annexed to the State of New-York.

Very respectfully,

Your obedient servant,

CHRISTOPHER MORGAN.

*Sec'y of State.*

(See Doc. No. 54.)

*Ordered*, That the said communication be referred to the committee on the erection and division of towns and counties.

The engrossed bill from the Senate, entitled "An act for the settlement of the claims of Henry D. Boughton against the Bank of Lyons," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 100 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Pruyn
Mr. H. J. Allen	Mr. Goddard	Mr. Quackenboss
Mr. Bagley	Mr. Gove	Mr. Raynor
Mr. Bailey	Mr. Graham	Mr. Richards
Mr. Barber	Mr. Green	Mr. Roblee
Mr. Beekman	Mr. Guernsey	Mr. A. Robertson
Mr. Bellinger	Mr. Hale	Mr. W. H. Robertson
Mr. Boardman	Mr. Hall	Mr. Rockwell
Mr. Boughton	Mr. Harmon	Mr. Rounseville
Mr. Bowen	Mr. Hart	Mr. St. John
Mr. Brinkerhoff	Mr. Hoyt	Mr. Skeel
Mr. Brewer	Mr. Hudson	Mr. Slocum
Mr. Budd	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Bush	Mr. M. Johnson	Mr. Speaker
Mr. L. Butts	Mr. Kelsey	Mr. Stevens
Mr. Buxton	Mr. Kennedy	Mr. Stevenson
Mr. Cornell	Mr. McKinney	Mr. Stewart
Mr. Crispell	Mr. McLean	Mr. Stryker
Mr. Crittenden	Mr. McNeal	Mr. Sweet
Mr. Cross	Mr. Maine	Mr. Terry
Mr. Culbert	Mr. Markel	Mr. H. C. Tuthill
Mr. Curtis	Mr. Marsh	Mr. Van Auken
Mr. Disoway	Mr. Mersereau	Mr. Van Orden
Mr. Dodge	Mr. Miller	Mr. Varnum
Mr. Elderkin	Mr. Moffatt	Mr. Vincent
Mr. Elwood	Mr. Mowry	Mr. Ward
Mr. Fish	Mr. Nash	Mr. Wells

Mr. Fiske  
Mr. Fitzhugh  
Mr. Folger  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert

Mr. Noble  
Mr. Perley  
Mr. Picket  
Mr. Pierce  
Mr. Porter  
Mr. Prescott

Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Willard  
Mr. Woodruff  
Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill, entitled "An act to fix the time and place for holding the annual town meeting in the town of Carrolton, Cattaugus co," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 102 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Barber  
Mr. Beekman  
Mr. Bellingher  
Mr. Boardman  
Mr. Boughton  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. L. Butts  
Mr. Buxton  
Mr. Carver  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Curtis  
Mr. Disosway  
Mr. Elderkin  
Mr. Fish  
Mr. Fiske  
Mr. Fitzhugh

Mr. Goddard  
Mr. Goff  
Mr. Gove  
Mr. Graham  
Mr. Green  
Mr. Hale  
Mr. Hall  
Mr. Harmon  
Mr. Hart  
Mr. Hoyt  
Mr. Hudson  
Mr. A. Johnson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. McKinney  
Mr. McLean  
Mr. McNeal  
Mr. Maine  
Mr. Markel  
Mr. Marsh  
Mr. Mersereau  
Mr. Miller  
Mr. Moffatt  
Mr. Mowry  
Mr. Nash  
Mr. Noble

Mr. Proyn  
Mr. Quackenboss  
Mr. Raynor  
Mr. Richards  
Mr. Roblee  
Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rounseville  
Mr. St. John  
Mr. Skeel  
Mr. Slocum  
Mr. L. Ward Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stevenson  
Mr. Stewart  
Mr. Stryker  
Mr. Sweet  
Mr. Terry  
Mr. J. E. Thompson  
Mr. H. C. Tuthill  
Mr. Van Auken  
Mr. Van Orden  
Mr. Varnum  
Mr. Vincent  
Mr. Ward  
Mr. Wells

Mr. Folger	Mr. Pease	Mr. Wheaton
Mr. Fox	Mr. Perley	Mr. White
Mr. Gates	Mr. Picket	Mr. Whittaker
Mr. A. Gilbert	Mr. Pierce	Mr. Willard
Mr. L. M. Gilbert	Mr. Porter	Mr. Woodruff
Mr. Glass	Mr. Prescott	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to provide for the appraisal and payment of canal damages sustained by William Sherman and Uriah Sherman," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 101 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Quackenboss
Mr. H. J. Allen	Mr. Graham	Mr. Raynor
Mr. Averill	Mr. Green	Mr. Richards
Mr. Bagley	Mr. Hale	Mr. Roblee
Mr. Bailey	Mr. Hall	Mr. A. Robertson
Mr. Barber	Mr. Harmon	Mr. W. H. Robertson
Mr. Beekman	Mr. Hart	Mr. Rockwell
Mr. Boardman	Mr. Hoyt	Mr. Rounseville
Mr. Boughton	Mr. Hudson	Mr. St. John
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Sexton
Mr. Brewer	Mr. M. Johnson	Mr. Skeel
Mr. Budd	Mr. Kelsey	Mr. Slocum
Mr. L. Butts	Mr. Kennedy	Mr. L. Ward Smith
Mr. Buxton	Mr. Kidd	Mr. Speaker
Mr. Carver	Mr. Leavenworth	Mr. Stevens
Mr. Cornell	Mr. McKinney	Mr. Stevenson
Mr. Crispell	Mr. McLean	Mr. Stewart
Mr. Crittenden	Mr. McNeal	Mr. Stryker
Mr. Cross	Mr. Maine	Mr. Sweet
Mr. Culbert	Mr. Markel	Mr. Terry
Mr. Curtis	Mr. Marsh	Mr. J. E. Thompson
Mr. Disosway	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Elderkin	Mr. Miller	Mr. Van Orden
Mr. Fish	Mr. Moffatt	Mr. Varnum
Mr. Fiske	Mr. Mowry	Mr. Vincent
Mr. Fitzhugh	Mr. Nash	Mr. Ward
Mr. Folger	Mr. Noble	Mr. Wells
Mr. Fox	Mr. Pease	Mr. Wheaton
Mr. Gates	Mr. Perley	Mr. White
Mr. A. Gilbert	Mr. Picket	Mr. Whittaker

Mr. L. M. Gilbert	Mr. Pierce	Mr. Willard
Mr. Glass	Mr. Porter	Mr. Woodruff
Mr. Goddard	Mr. Prescott	Mr. Young
Mr. Goff	Mr. Pruyn	101

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to repeal an act relating to road district No. 2, in Persia, Cattaraugus co," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 94 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. Pierce
Mr. H. J. Allen	Mr. Gove	Mr. Porter
Mr. Averill	Mr. Green	Mr. Prescott
Mr. Bagley	Mr. Guernsey	Mr. Pruyn
Mr. Bailey	Mr. Hale	Mr. Richards
Mr. Beekman	Mr. Hall	Mr. Roblee
Mr. Bellinger	Mr. Harmon	Mr. A. Robertson
Mr. Boardman	Mr. Hart	Mr. W. H. Robertson
Mr. Boughton	Mr. Hoyt	Mr. Rockwell
Mr. Brinkerhoff	Mr. Hudson	Mr. Rounseville
Mr. Brewer	Mr. A. Johnson	Mr. St. John
Mr. Budd	Mr. M. Johnson	Mr. Sexton
Mr. L. Butts	Mr. Kelsey	Mr. Skeel
Mr. Buxton	Mr. Kennedy	Mr. Slocum
Mr. Cornell	Mr. Kidd	Mr. Speaker
Mr. Crispell	Mr. Leavenworth	Mr. Stevens
Mr. Crittenden	Mr. McKinney	Mr. Stevenson
Mr. Cross	Mr. McLean	Mr. Stewart
Mr. Culbert	Mr. McNeal	Mr. Stryker
Mr. Curtis	Mr. Maine	Mr. Sweet
Mr. Disosway	Mr. Markel	Mr. Terry
Mr. Elderkin	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Fish	Mr. Miller	Mr. Van Orden
Mr. Fiske	Mr. Moffatt	Mr. Varnum
Mr. Fitzhugh	Mr. Mowry	Mr. Vincent
Mr. Folger	Mr. Nash	Mr. Ward
Mr. Fox	Mr. Noble	Mr. Wells
Mr. Gates	Mr. Pardee	Mr. Wheaton
Mr. A. Gilbert	Mr. Pease	Mr. Willard
Mr. L. M. Gilbert	Mr. Perley	Mr. Woodruff
Mr. Glass	Mr. Pickett	Mr. Young
Mr. Goddard		

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorise the further enlargement of the opening in the Albany pier, between the State and Columbia-street bridges," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 91 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Guernsey	Mr. Raynor
Mr. H. J. Allen	Mr. Hale	Mr. Richards
Mr. Averill	Mr. Hall	Mr. Roblee
Mr. Bagley	Mr. Harmon	Mr. A. Robertson
Mr. Bailey	Mr. Hart	Mr. W. H. Robertson
Mr. Barber	Mr. Hoyt	Mr. Rockwell
Mr. Bellinger	Mr. Hudson	Mr. Rounseville
Mr. Boardman	Mr. A. Johnson	Mr. St. John
Mr. Boyce	Mr. M. Johnson	Mr. Sexton
Mr. Brinkerhoff	Mr. Kelsey	Mr. Skeel
Mr. Budd	Mr. Kennedy	Mr. Slocum
Mr. Bush	Mr. Kidd	Mr. L. Ward Smith
Mr. Buxton	Mr. Leavenworth	Mr. Speaker
Mr. Carver	Mr. McKinney	Mr. Stevens
Mr. Crispell	Mr. McLean	Mr. Stevenson
Mr. Cross	Mr. McNeal	Mr. Stewart
Mr. Culbert	Mr. Maine	Mr. Stryker
Mr. Curtis	Mr. Markel	Mr. Sweet
Mr. Disosway	Mr. Mersereau	Mr. Terry
Mr. Elderkin	Mr. Miller	Mr. H. C. Tuthill
Mr. Fish	Mr. Moffatt	Mr. Van Auken
Mr. Fitzhugh	Mr. Mowry	Mr. Varnum
Mr. Folger	Mr. Nash	Mr. Vincent
Mr. Fox	Mr. Noble	Mr. Ward
Mr. Gates	Mr. Pardee	Mr. Wells
Mr. A. Gilbert	Mr. Picket	Mr. Wheaton
Mr. L. M. Gilbert	Mr. Pierce	Mr. White
Mr. Glass	Mr. Porter	Mr. Willard
Mr. Goddard	Mr. Prescott	Mr. Woodruff
Mr. Gove	Mr. Pruyn	Mr. Young
Mr. Green		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

Mr. Sweet gave notice that he would at an early day ask leave to introduce a bill to confirm the official acts of Jesse Rosecrance, a justice of the peace in the town of Candor in the county of Tioga.

In pursuance of previous notice, Mr. Cross asked for and obtained leave to introduce a bill, entitled "An act to amend an act to incorporate the Brooklyn City Hospital, passed May 8, 1845," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Boyce asked for and obtained leave to introduce a bill, entitled "An act to amend an act to incorporate the village of Lyons, passed April 16, 1831," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Stevenson asked for and obtained leave to introduce a bill, entitled "An act to regulate the right of dower of widows whose husbands deceased non-residents of this State," which was read the first time and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Fish asked for and obtained leave to introduce a bill, entitled "An act to repeal an act providing for the registry of births, marriages and deaths, passed April 28, 1847," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. A. Johnson asked for and obtained leave to introduce a bill, entitled "An act to prescribe the manner of drawing and summoning juries in courts held by justices of the peace, and for other purposes," which was read the first time and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Noble asked for and obtained leave to introduce a bill, entitled "An act relating to the fees of county judges," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. L. Ward Smith asked for and obtained leave to introduce a bill, entitled "An act to amend an act to incorporate the Monroe co. Mutual Insurance company, passed March 21, 1836," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice, Mr. Barber asked for and obtained leave to introduce a bill, entitled "An act to regulate the sale of keg oysters," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Hudson asked for and obtained leave to introduce a bill, entitled "An act to amend an act relating to the redemption of bank notes, passed May 4, 1840," which was read the first time, and by unanimous consent was also

read the second time, and referred to the committee on banks and insurance companies.

On motion of Mr. St. John,

The House proceeded to the consideration of the resolutions heretofore offered by him, in the words following, to wit:

*Resolved*, That the Comptroller be requested to report to this House the entire amount of expenses incurred under the law appointing commissioners on practice and pleadings, and commissioners on the code, specifying the amount incurred on account of each of the said commissioners, including printing, clerk hire, and other expenses pertaining thereto; and what amount of such expenses have been paid and the amount thereof remaining unpaid.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Carver offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the standing committee on State prisons be instructed to investigate and report the causes of the heavy expenditures incurred by the State for the last fiscal year on the Mount Pleasant prison at Sing Sing, as appears by the annual report of the Comptroller, and to report whether it would not be advisable to abandon the said prison altogether.

*Ordered*, That the said resolution be laid upon the table.

Mr. Cross offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Secretary of State be requested to communicate to the Legislature, whether in his opinion, it is desirable to appoint, on the part of the State, three trustees of the New-York Institute for the Blind.

*Ordered*, That the said resolution be laid on the table.

Mr. Brewer gave notice that he would at an early day ask leave to introduce a bill relative to insurance companies.

Mr. Wesley Butts gave notice of his intention to ask leave at some early day to present a bill to reduce the rates of interest.

On motion of Mr. Woodruff,

*Resolved*, That the petition of inhabitants of the town of Seward for a law to fix the place of holding the annual town meeting in said town be recommitted to the committee on the internal affairs of towns and counties.

Mr. Averill gave notice that he would at an early day ask leave to introduce a bill for the incorporation of a mutual insurance company.

Mr. Taylor offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the committee on the judiciary to which was referred the resolution from the Senate, continuing the commissioners on practice and pleadings, be, and is hereby instructed, to report upon the same forthwith.

*Ordered*, That the said resolution be laid on the table.



The House then resolved itself into a committee of the whole on the bill, entitled "An act for the benefit of certain purchasers of certain lands acquired by treaty from the Stockbridge Indians," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Crispell from said committee, reported progress, and asked leave to sit again.

Mr. A. Johnson moved that the question of granting leave be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Johnson, and it was determined in the negative.

Mr. Speaker then put the question whether the House would grant leave to sit again, and it was determined in the affirmative.

And then, at 2 o'clock p. m.,

On motion of Mr. Hudson,  
The House adjourned.

## SATURDAY, JANUARY 27, 1849.

The house met pursuant to adjournment.

Prayer by the Rev. Mr. Clapp.

The minutes of yesterday were read and approved.

Mr. Barber presented two several petitions of sundry inhabitants of the city of Albany and the town of Westerlo, Albany county, praying for a law regulating the sale of keg oysters, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Boardman presented the petition of sundry inhabitants of the county of Allegany, praying for a law authorising the erection of a bridge over the Genesee river, near the village of Mixville, in said county, together with a remonstrance against locating said bridge elsewhere, which was read and referred to the committee on roads and bridges.

Mr. Stevens presented two several remonstrances of sundry citizens of Oneida co., against any increase in the number of supervisors in the city of Utica, which was read and referred to the committee of the whole House, when on the bill upon that subject.

Mr. Boughton presented the memorial of the mayor and common council of the city of Brooklyn, praying for a law conferring authority upon them to create a loan of \$50,000 to complete their city hall, which was read and referred to the committee on the incorporation of cities or villages.

Mr. Whittaker presented the petition of sundry inhabitants of the town of Tompkins, Delaware co., praying for the erection of a new county from parts of Broome, Delaware, Chenango, and Otsego

counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Graham presented the petition of 100 inhabitants of Kingston, Ulster co., praying for a law to prevent the use of drift nets in the Hudson river north of New-York, during the months of April, May, and June, which was read and referred to the select committee on that subject.

Mr. Speaker presented the petition of sundry citizens of Rensselaer co., praying for an endowment of the Rensselaer Institute and for the establishment of an agricultural professorship therein, which was read and referred to the committee on agriculture.

Mr. Speaker presented the petition of sundry citizens of Troy, praying for a law authorising the election of a police justice in that city, which was read and referred to the committee on the judiciary.

Mr. H. C. Tuthill and Mr. Brinkerhoff presented three several petitions of sundry citizens of Auburn praying for a law appointing commissioners to examine and liquidate the claims of Hotchkiss & Smith against the agent of the state prison at Sing-Sing, which was read and referred to the committee on state prisons.

Mr. Woodruff presented the petition of sundry inhabitants of the county of Livingston, praying for the erection of a bridge across the Genesee river, on the line between the county of Allegany and the counties of Livingston and Wyoming, which was read and referred to the committee on roads and bridges.

Mr. Stevenson presented the petition of John R. Green, praying for a law appropriating the proceeds of the sale of the lands of Nicholas Green, an alien deceased, escheated to the state, in payment of a claim of said Green against the estate of the said Nicholas Green, which was read and referred to the committee on the judiciary.

Mr. Porter presented the petition of Zacheus P. Gillett, praying for compensation for failure of title to lands patented by the state, which was read and referred to the committee on claims.

Mr. Mowry presented the petition of 102 inhabitants of Cambridge, Washington Co., praying that free schools may be established throughout the state, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Woodruff presented the petition of sundry inhabitants of North Dansville, Livingston co., praying for a law authorising surveyors to take proof and acknowledgment of deeds, which was read and referred to the committee on the judiciary.

Mr. Taylor presented the petition of Stuart Maitland and James Comvir, praying for a law authorising them to hold and convey real estate, which was read and referred to the committee on the petitions of aliens.

Mr. Richards presented the petition of sundry officers of the county of Wyoming, praying for a law creating the office of crier to the courts in that county, which was read and referred to the committee on the judiciary.

Mr. W. H. Robertson presented the petition of James L. Schultz

and B. Floyd James, praying for the establishment of a steam ferry across the Hudson from Piermont to the opposite shore in the county of Westchester, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Richards presented the petition of sundry inhabitants of Covington, Wyoming co., praying for a law limiting the quantity of land hereafter to be acquired by any one individual and for homestead exemption, which was read and referred to the select committee on that subject.

Mr. Woodruff, from the committee on the internal affairs of towns and counties, to which was referred the petition of the town of Seward, for a law to fix the place of holding the annual town meeting in said town, reported, and asked and obtained leave to bring in a bill, entitled "An act to designate the place of holding the next annual town meeting in the town of Seward in the county of Schoharie," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

(See Doc. No. 49.)

Mr. Averill from the committee on roads and bridges to which was referred the petition of the Buffalo and Hamburg Turnpike Company, for an amendment of their charter, reported, and asked and obtained leave to bring in a bill, entitled "An act further to amend an act to incorporate the Buffalo and Hamburg Turnpike Company, passed January 23, 1830," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Hale from the committee on claims to which was referred the petition of Washington Thurman and others, for relief from the sinking of a canal boat in the Erie canal, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the canal board to hear and determine the claim of Washington Thurman, Warren Mills and Benjamin A. Towner, for damages sustained by them in the sinking of a canal boat," which was read the first time and by unanimous consent was also read a second time and committed to the committee of the whole House.

(See Doc. No. 59.)

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bill, entitled as follows:

"An act to provide for the election of justices of the municipal court in the city of Brooklyn and for the filling of vacancies therein;"

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

Mr. Boardman, from the committee on claims, to which was referred the petition of Marcus Brown, for remuneration for property taken by the American army during the revolution, reported, and asked and obtained leave to bring in a bill, entitled "An act to pay the heirs at law of Conrad Brown for losses sustained during the re-

volutionary war;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Fiske, from the select committee, to which was referred the bill entitled "An act to revise and amend the several acts relating to the city of Brooklyn," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

A message from the Governor, was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
*Albany, January 27, 1849.* }

TO THE ASSEMBLY:

I have this day approved and signed the bills, entitled as follows:

"An act to authorize the trustees of the village of Williamsburgh to raise money by loan to pay certain debts;"

"An act to confirm the official acts of John H. Cameron, a justice of the peace of the town of Athol;"

"An act to reduce the capital stock of the Albany Insurance Company."

HAMILTON FISH.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
*Albany, Jan. 26th 1849.* }

TO THE ASSEMBLY:

I have this day approved and signed the bill, entitled as follows:

"An act for the relief of the estate of Rutherford Stuyvesant."

HAMILTON FISH.

A communication from the Canal Board, in answer to a resolution of the Assembly, passed Feb. 26, 1848, transmitting their report and the report of the State Engineer and Surveyor, in relation to the removal of the Fort Miller dam, was received and referred to the committee on canals.

(See Doc. No. 125.)

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
*Albany, Jan. 27, 1849.* }

To the Legislature:

I transmit herewith a communication which I have received from the Commissioners of Emigration; the necessities of this board, as stated by them, are so urgent, that I feel constrained to ask for their communication your early consideration.

HAMILTON FISH.

(See Doc. No. 58.)

Mr. Bowen moved that said communication be referred to the Comptroller.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bowen, and it was determined in the affirmative.

A message from the Senate was received, informing that they consent to the appointment of a committee of conference on the bill entitled "An act to incorporate the American Baptist Home Mission Society, passed April 12, 1843," and that they have appointed Mr. Little, Mr. Fine and Mr. Bokee, on the part of the Senate.

The engrossed bill, entitled "An act to provide for the election of justices of the municipal court of the city of Brooklyn and for the filling of vacancies therein," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 98 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Raynor
Mr. H. J. Allen	Mr. Goddard	Mr. Richards
Mr. Averill	Mr. Goff	Mr. Roblee
Mr. Bagley	Mr. Gove	Mr. A. Robertson
Mr. Bailey	Mr. Graham	Mr. W. H. Robertson
Mr. Barber	Mr. Green	Mr. Rounseville
Mr. Beekman	Mr. Guernsey	Mr. St. John
Mr. Bellinger	Mr. Hale	Mr. Sexton
Mr. Boardman	Mr. Hall	Mr. Skeel
Mr. Boughton	Mr. Harmon	Mr. Slocum
Mr. Bowen	Mr. Hart	Mr. L. Ward Smith
Mr. Boyce	Mr. Hoyt	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Speaker
Mr. Brewer	Mr. M. Johnson	Mr. Stevens
Mr. Budd	Mr. Kelsey	Mr. Stevenson
Mr. Bush	Mr. Leavenworth	Mr. Stewart
Mr. W. Butts	Mr. McKinney	Mr. Sweet
Mr. Buxton	Mr. McLean	Mr. Terry
Mr. Carver	Mr. McNeal	Mr. J. E. Thompson
Mr. Cornell	Mr. Maine	Mr. H. C. Tuthill
Mr. Crispell	Mr. Markel	Mr. Van Auken
Mr. Crittenden	Mr. Mersereau	Mr. Van Orden
Mr. Cross	Mr. Moffatt	Mr. Varnum
Mr. Culbert	Mr. Mowry	Mr. Vincent
Mr. Curtis	Mr. Nash	Mr. Ward
Mr. Disosway	Mr. Noble	Mr. Wells
Mr. Dodge	Mr. Pardee	Mr. Wheaton
Mr. Elderkin	Mr. Pease	Mr. White
Mr. Fiske	Mr. Picket	Mr. Whittaker

Mr. Fitzhugh

Mr. Pierce

Mr. Willard

Mr. Gates

Mr. Porter

Mr. Woodruff

Mr. A. Gilbert

Mr. Prescott

Mr. Young

Mr. L. M. Gilbert

Mr. Pruyn

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

Mr. Bagley, from the committee on the judiciary, to which was referred the engrossed bill from the Senate entitled "An act to continue in office the commissioners on practice and pleadings," reported against, and offered for the consideration of the House, resolutions in the words following, to wit:

*Resolved*, That the bill from the Senate entitled an act to continue in office the commissioners on practice and pleadings, be indefinitely postponed.

*Resolved*, That the commissioners of the code be instructed to select from the existing code of procedure, and from such as may hereafter be reported by the commissioners on practice and pleadings, such portions as in their judgment may be useful, and to recommend such modifications and alterations, and further suggestions as may appear to them expedient, confining themselves as much as possible to general provisions, and providing for the formation of rules of practice and pleadings by the judges of the supreme court, or by one from each judicial district, and requiring a periodical revision of such rules; and that the said commissioners report in distinct bills the parts and matters relating to different and distinct subjects, as now arranged in the Revised Statutes, in the form of amendments, with the necessary clauses repealing specifically any existing provision inconsistent with the bills so reported.

*Resolved*, That the said commissioners of the code be requested to report to this House whether any increase in their number is necessary to enable them to comply with the foregoing resolution, so that the Legislature may act upon the bills reported by them during the present session.

(See Doc. No. 47.)

Mr. L. Ward Smith moved the said report and resolutions be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the affirmative.

Mr. W. S. Smith moved that 30 times the usual number of the said report be printed for the use of the Legislature.

Mr. Goff moved to print 5 times the usual number of said report.

Debate was had thereon, when

Mr. St. John moved the previous question, which motion having been seconded,

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to

the main question, it being on the motion of Mr. W. S. Smith to print 30 times the usual number of the said report, and it was determined in the affirmative.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Fish gave notice that he would at an early day ask leave to introduce a bill authorizing the erection of a free bridge across the Mohawk river, between the town of St. Johnsville and Minden, in Montgomery co.

Mr. Van Orden offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Senate bill containing the commission on practice and pleadings, be made the special order of the day for Monday next, at 12 o'clock at noon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Van Orden, and it was determined in the negative.

Mr. White gave notice that he would at an early day ask leave to introduce a bill to amend an act entitled "An act to authorise the formation of the Niagara Suspension Bridge House Company."

Mr. W. S. Smith offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Comptroller be requested to report the items which go to make up the balance of \$1,373.33 due the treasury on account of the United States deposit fund, on the 30th day of September, 1847, setting forth the names of the individuals from whom such balances are due.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. J. E. Thompson,

*Resolved*, That the petitions and papers relating to an act passed April 19, 1828, for the appointment of commissioners to lay out and construct a road from Cannonsville, in the town of Tompkins, county of Delaware, to Shehocking, in the town of Hancock in said county, be taken from the files of this House, and referred to the standing committee on the judiciary.

Mr. Wells offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the committee on the judiciary be instructed to examine and ascertain whether, and if any, what reforms, alterations or amendments are required in the laws regulating the fees of county clerks, judges, surrogates, sheriffs, justices of the peace and constables, and of all other judicial officers, and to report the same by bill or otherwise at an early day for the consideration of this House.

*Ordered*, That the said resolution be laid upon the table.

Mr. Taylor moved that the engrossed bill from the Senate, entitled "An act to continue in office the Commissioners on Practice and Pleadings," be made the special order for Tuesday next, at twelve o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Taylor, and it was determined in the affirmative.

{ AYES 69 }  
{ NAYS 32 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Guernsey	Mr. Roblee
Mr. Barber	Mr. Harmon	Mr. A. Robertson
Mr. Bowen	Mr. M. Johnson	Mr. Rockwell
Mr. Boyce	Mr. Kelsey	Mr. Rounseville
Mr. Brinkerhoff	Mr. Leavenworth	Mr. St. John
Mr. Budd	Mr. McKinney	Mr. Sexton
Mr. Bush	Mr. McNeal	Mr. Skeel
Mr. L. Butts	Mr. Maine	Mr. Slorum
Mr. W. Butts	Mr. Markel	Mr. Stevens
Mr. Buxton	Mr. Marsh	Mr. Stevenson
Mr. Crittenden	Mr. Mersereau	Mr. Stewart
Mr. Culbert	Mr. Miller	Mr. Taylor
Mr. Curtis	Mr. Mowry	Mr. J. E. Thompson
Mr. Disosway	Mr. Nash	Mr. H. C. Tuthill
Mr. Elderkin	Mr. Pease	Mr. Van Auker
Mr. Elwood	Mr. Perley	Mr. Van Orden
Mr. Fitzhugh	Mr. Picket	Mr. Vincent
Mr. Fox	Mr. Porter	Mr. Ward
Mr. Gates	Mr. Prescott	Mr. Wells
Mr. A. Gilbert	Mr. Pruyn	Mr. Wheaton
Mr. L. M. Gilbert	Mr. Quackenbush	Mr. Whittaker
Mr. Goff	Mr. Raynor	Mr. Woodruff
Mr. Gove	Mr. Richards	Mr. Young

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Those who voted in the negative are,

Mr. B. Allen	Mr. Fiske	Mr. Pierce
Mr. Bagley	Mr. Graham	Mr. W. H. Robertson
Mr. Bailey	Mr. Hale	Mr. L. Ward Smith
Mr. Beekman	Mr. Hall	Mr. W. S. Smith
Mr. Boardman	Mr. Hoyt	Mr. Speaker
Mr. Boughton	Mr. Hudson	Mr. Stryker
Mr. Brewer	Mr. A. Johnson	Mr. Sweet
Mr. Carver	Mr. Kidd	Mr. Terry
Mr. Cornell	Mr. Moffatt	Mr. Willard
Mr. Crispell	Mr. Noble	Mr. Wing
Mr. Dodge	Mr. Pardee	

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In pursuance of previous notice, Mr. Boughton asked for and obtained leave to bring in a bill, entitled "An act to authorise the mayor and common council of the city of Brooklyn to create a loan for the purpose of erecting a city hall in said city," which was read the first



time, and by unanimous consent was also read the second time and referred to the committee on the incorporation of cities and villages.

And then at two o'clock p. m.,

On motion of Mr. Perley,  
The House adjourned.

## MONDAY, JANUARY 29, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hall.

The minutes of Saturday were read and approved.

Mr. Whittaker and Mr. Crittenden presented two petitions of sundry inhabitants of the town of Sanford, in the county of Broome, praying for a law erecting a new county from parts of Broome, Delaware, Chemango and Otsego, to be called the county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Brinkerhoff presented two petitions of certain inhabitants of Auburn, praying for a law restoring the school districts in that city to the condition in which they were previous to the granting of their city charter, which were read and referred to the committee on colleges, academies, and common schools.

Mr. Crittenden presented the petition of E. S. Stewart, for a change of the school law in relation to the collection of rate-bills, which was read and referred to the committee on colleges, academies and common schools.

Mr. Bagley presented the petition of certain inhabitants of Jefferson county, praying for a law establishing a system of free schools throughout the State, which was read and referred to the committee on colleges, academies and common schools.

Mr. Hale presented 6 petitions of the inhabitants of the counties of Allegany and Steuben, for the erection of a new county from parts of said counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Elwood presented two remonstrances against any increase in the number of supervisors to be elected in the city of Utica, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Skeel presented 4 petitions of citizens of Cortland co., for a law declaring the public utility of a railroad from Auburn to Binghamton, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Averill presented three remonstrances of citizens of Canajoharie, against the division of said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. J. E. Thompson and Mr. Averill presented 2 petitions of in-

habitants of Delaware and Montgomery counties, praying for a law providing for the advertisement and sale of lands upon which the taxes shall not have been paid, in the counties in which such lands are situated, which were read and referred to the select committee upon that subject.

Mr. H. C. Tutill and Mr. A. Tuttle, presented two petitions of citizens of Cayuga and Broome counties, for an act declaring the public utility of a railroad from Auburn to Binghamton, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. J. E. Thompson and Mr. L. Batts presented two petitions of inhabitants of Masonville, in Delaware co., praying for the erection of a new county from parts of Broome, Delaware, Chenango and Otsego counties, to be called the county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Messrs. Bagley, Gates and Marsh, presented three petitions of the inhabitants of Lyme, Jefferson county, praying for a division of that town, which were read and referred to the committee on the erection and division of towns and counties.

Messrs. Pardee, L. Ward Smith, Kelsey and Porter presented 4 petitions of inhabitants of the counties of Genesee, Monroe and Ontario, for a law consolidating the railroads between Albany and Buffalo, which were read and referred to the committee on railroads.

Mr. Richards presented a remonstrance against any amendment of the charter of the Attica and Hornellsville railroad, which was read and referred to the committee on railroads.

Mr. W. S. Smith presented the petition of citizens of Flushing, Queens co., for a law authorising James Peck to extend the old town dock in that town, which was read and referred to the committee on commerce and navigation.

Mr. Bagley presented the petition of the collector of the town of Lyme, and others for an act to extend the time for the collection of taxes in said town, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Sweet presented the petition of supervisors of Tioga co., for a law to authorise them to lessen the number of superintendents of the poor in that county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Bagley presented the petition of inhabitants of Jefferson co., praying for a law declaring the Black river a public highway, which was read and referred to the committee on roads and bridges.

Mr. Bagley presented the petition of sundry inhabitants of Jefferson co., praying for certain amendments to the plank road law, which was read and referred to the committee on roads and bridges.

Mr. Goff presented the petition of Ethelinda Deall, praying for certain amendments to a law passed in 1847, authorising her to establish a ferry across Lake Champlain, which was read and referred to the committee on the judiciary.

Mr. Raynor presented the petition of supervisors of Erie co.,

praying for an act making the clerk of said county a salaried office, which was read and referred to the committee on the judiciary.

Mr. Averill presented the petition of sundry inhabitants of Fort Plain asking for a law to authorise the appraisal and payment of damages sustained by them in consequence of the Erie canal enlargement, which was read and referred to the committee on canals.

Mr. Boughton presented the petition of the trustees of the village of Williamsburg, for a law to enable them to improve a part of the Williamsburg and Jamaica turnpike road as a village street, and for other purposes, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Crispell presented two petitions of citizens of the town of Kingston, in Ulster co., for an act incorporating the village of Rondout, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Kelsey from the committee on the internal affairs of towns and counties to which was referred the petition of the board of supervisors of Monroe co., for a law to fix the salary of the county treasurer in said county, reported and asked for and obtained leave to introduce a bill, entitled "An act in relation to the compensation of the treasurer of the county of Monroe," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Hale from the committee on claims to which was referred the petition of John Ferris for relief from the loss of his horse while in the service of the sheriff of Delaware co., reported, and asked for and obtained leave to introduce a bill, entitled "An act providing compensation for the damages sustained by John Ferris while in obedience to the sheriff of the county of Delaware," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

(See Doc. No. 57.)

Mr. Noble from the committee on the judiciary to which was referred the petition of inhabitants of the village of Cohoes, Albany co., for a law to extend the powers of justices of the peace, reported, and asked for and obtained leave to introduce a bill, entitled "An act to confer upon justices of the peace certain powers, so as to recover the possession of lands in summary proceedings," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of George W. Manchester for the appraisal and payment of damages occasioned by the breaking of the Black river canal feeder, reported and asked for and obtained leave to introduce a bill entitled "An act to authorise the appraisal and payment of canal damages to George W. Manchester," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

(See Doc. No. 52.)

Mr. L. Ward Smith from the select committee to which was referred the petition of inhabitants of the State of New-York, for a limitation of the hours of labor, reported and asked for and obtained leave to introduce a bill, entitled "An act to regulate the hours of labor;" was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Van Orden from the committee on the incorporatson of cities and villages to which was referred the bill, entitled "An act to incorporate the village of Lyons, passed April 16, 1831," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

A communication was received from the select committee appointed by the Assembly of 1848, to examine the location of Quarantine, and report to this House upon the propriety of its removal, was received and read in the words following, to wit:

*Albany, Jan. 29, 1849.*

HON. AMOS K. HADLEY,

*Speaker of the Assembly.*

SIR: The undersigned a select committee appointed by the last House of the Assembly, to examine and report as to the propriety of a removal of the Quarantine from its present location, and as to a suitable site for the same, have the honor to present their report with accompanying documents.

With great respect,

We are your ob't servants,

WESSEL S. SMITH,  
ALEXANDER STEWART,  
GURDON NOWLEN.

(See Doc. No. 60.)

Mr. Bowen moved that 10 times the usual number of the said report be printed for the use of the Legislature and 250 for the use of the committee.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. Bowen moved that the said report be referred to the committee on commerce and navigation.

Mr. Perley moved that the said report be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Perley, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to refer said report to the committee on commerce and navigation, and it was determined in the negative.

Mr. Disosway moved that the said report be referred to a select committee.

Mr. Dodge moved that the said motion be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Dodge, and it was determined in the affirmative.

A message from the Senate was received and read, informing that they had passed, with the amendments therewith delivered, the bill entitled "An act to authorise the purchase of the toll bridge at Jessup's Little Falls, and make the same a public highway."

Mr. Wells moved that the House concur in the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wells, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 97 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. Richards
Mr. H. J. Allen	Mr. Hall	Mr. Roblee
Mr. Averill	Mr. Harmon	Mr. A. Robertson
Mr. Bagley	Mr. Hart	Mr. W. H. Robertson
Mr. Barber	Mr. Hoyt	Mr. Rockwell
Mr. Beekman	Mr. Hudson	Mr. Rounseville
Mr. Boardman	Mr. A. Johnson	Mr. St. John
Mr. Boughton	Mr. M. Johnson	Mr. Sexton
Mr. Bowen	Mr. Kelsey	Mr. Slocum
Mr. Boyce	Mr. Kennedy	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Kidd	Mr. W. S. Smith
Mr. Brewer	Mr. Leavenworth	Mr. Speaker
Mr. Budd	Mr. McKinney	Mr. Stevens
Mr. L. Butts	Mr. McLean	Mr. Stevenson
Mr. W. Butts	Mr. McNeal	Mr. Stryker
Mr. Buxton	Mr. Maine	Mr. Sweet
Mr. Carver	Mr. Markel	Mr. Terry
Mr. Crispell	Mr. Marsh	Mr. B. Thompson
Mr. Crittenden	Mr. Miller	Mr. J. E. Thompson
Mr. Culbert	Mr. Moffatt	Mr. A. Tuttle
Mr. Curtis	Mr. Mowry	Mr. H. C. Tuthill
Mr. Disosway	Mr. Nash	Mr. Van Orden
Mr. Elderkin	Mr. Noble	Mr. Varnum
Mr. Fiske	Mr. Pardee	Mr. Vincent
Mr. Fitzhugh	Mr. Pease	Mr. Ward
Mr. Fox	Mr. Perley	Mr. Wells
Mr. Gates	Mr. Picket	Mr. Wheaton
Mr. A. Gilbert	Mr. Porter	Mr. White
Mr. L. M. Gilbert	Mr. Prescott	Mr. Whittaker
Mr. Goff	Mr. Pruyn	Mr. Wilcox
Mr. Gove	Mr. Quackenboss	Mr. Woodruff
Mr. Graham	Mr. Raynor	Mr. Young
Mr. Guernsey		

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

In pursuance of previous notice, Mr. Boughton asked for and obtained leave to bring in a bill, entitled "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street, and to authorise the said turnpike company to cede the same to said village;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. W. S. Smith asked for and obtained leave to bring in a bill, entitled "An act to provide for the public printing," which was read the first time and by unanimous consent was also read a second time, and referred to the committee on public printing.

Leave of absence was granted to Mr. Bellinger for four days, and to Mr. Stevenson for three days.

On motion of Mr. Averill,

*Resolved*, That a respectful message be sent to the Senate, asking them to transmit to this House all the papers on file in the Senate in relation to the claim of Daniel Van Alstyne, of Montgomery co., for canal damages, and that the same be referred to the committee on canals.

In pursuance of previous notice, Mr. Wells asked for and obtained leave to bring in a bill, entitled "An act in relation to plank road companies," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Wells asked for and obtained leave to bring in a bill, entitled "An act authorising Morris Randall, executor of the last will and testament of James Roberts, deceased, to convey certain real estate," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

By unanimous consent,

Mr. Fiske asked for and obtained leave to bring in a bill, entitled "An act for the prevention and punishment of prize fighting," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Pruyn,

The House then resolved itself into a committee of the whole on said bill, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Elderkin, from said committee, reported progress.

Mr. Fiske moved that said bill be referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the affirmative.

**Ordered**, That Mr. Fiske, Mr. Cornell, Mr. Noble, Mr. Pruyn and Mr. Dodge be such committee.

On motion of Mr. Wells,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

**Resolved**, That the committee on the judiciary be instructed to examine and ascertain whether, and if any, what reforms, alterations or amendments are required in the laws regulating the fees of county clerks, judges, surrogates, sheriffs, justices of the peace and constables, and of all other judicial officers, and to report the same by bill or otherwise at an early day for the consideration of this House.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Maine gave notice of his intention to ask leave to bring in a bill declaratory of the rights of citizens of this state in certain cases.

By unanimous consent,

Mr. Cornell asked for and obtained leave to bring in a bill, entitled "An act to amend an act, entitled 'An act for the establishment and regulation of the police of the city of New-York,' passed May 13, 1846," which was read the first time, and by unanimous consent was also read the second time.

On motion of Mr. Cornell,

**Ordered**, That the said bill be referred to a select committee consisting of the New-York delegation, to report complete.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled "An act to authorize the election of a supervisor in each ward in the city of Utica," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Barber, from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend the charter of the village of Williamsburgh," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Culbert, from said committee, reported progress and asked leave to sit again.

Mr. Boughton moved that the said bill be referred to a select committee composed of the Kings county delegation to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Boughton, and it was determined in the affirmative.

Mr. Fiske, from the select committee, to which was referred the bill entitled "An act for the prevention and punishment of prize fighting," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act for the prevention and punishment of prize or concerted fighting," which report was agreed to.

**Ordered**, That the said bill be engrossed for its third reading.

By unanimous consent,

The engrossed bill, entitled "An act for the prevention and punishment of prize or concerted fighting," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 95 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. Roblee
Mr. H. J. Allen	Mr. Guernsey	Mr. A. Robertson
Mr. Averill	Mr. Hall	Mr. W. H. Robertson
Mr. Bagley	Mr. Harmon	Mr. Rockwell
Mr. Barber	Mr. Hart	Mr. Rounseville
Mr. Beekman	Mr. Hoyt	Mr. St. John
Mr. Boardman	Mr. Hudson	Mr. Sexton
Mr. Boughton	Mr. A. Johnson	Mr. Skeel
Mr. Boyce	Mr. M. Johnson	Mr. Slocum
Mr. Brinkerhoff	Mr. Kelsey	Mr. L. Ward Smith
Mr. Budd	Mr. Kennedy	Mr. Speaker
Mr. Bush	Mr. Kidd	Mr. Stevens
Mr. L. Butts	Mr. Leavenworth	Mr. Stewart
Mr. Buxton	Mr. McLean	Mr. Stryker
Mr. Carver	Mr. McNeal	Mr. Sweet
Mr. Cornell	Mr. Maine	Mr. Terry
Mr. Crispell	Mr. Markel	Mr. J. E. Thompson
Mr. Crittenden	Mr. Marsh	Mr. A. Tuttle
Mr. Culbert	Mr. Miller	Mr. H. C. Tuthill
Mr. Curtis	Mr. Moffatt	Mr. Van Auken
Mr. Dodge	Mr. Nash	Mr. Van Orden
Mr. Elderkin	Mr. Noble	Mr. Varnum
Mr. Elwood	Mr. Pease	Mr. Vincent
Mr. Fish	Mr. Perley	Mr. Ward
Mr. Fiske	Mr. Picket	Mr. Wells
Mr. Fitzhugh	Mr. Pierce	Mr. Wheaton
Mr. Fox	Mr. Porter	Mr. White
Mr. Gates	Mr. Prescott	Mr. Willard
Mr. A. Gilbert	Mr. Pruyn	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Woodruff
Mr. Goddard	Mr. Raynor	Mr. Young
Mr. Goff	Mr. Richards	

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The name of Mr. W. S. Smith being called, he asked to be excused.

Mr. Speaker put the question whether the House would agree to excuse Mr. W. S. Smith from voting, and it was determined in the affirmative.

Mr. A. Johnson moved that the House reconsider its vote on the final passage of said bill.

Debate was had thereon, when

[ASSEMBLY JOURNAL.]



Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Johnson, and it was determined in the affirmative.

Mr. W. S. Smith moved that the said bill be committed to the committee of the whole having in charge the bill from the Senate, entitled "An act to continue in office the Commissioners on Practice and Pleadings."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise the appraisal and payment of canal damages to Henry P. Alexander, David A. Tomlinson and others," and after some spent thereon, Mr. Speaker resumed the chair, and Mr. Porter from said committee, reported progress, and asked leave to sit again.

Mr. L. Ward Smith moved that said bill be recommitted to the committee on canals.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the affirmative.

And then, at 2 o'clock p. m.,

On motion of Mr. Pruyn,

The House adjourned.

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## TUESDAY, JANUARY 30, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Garnett.

The minutes of yesterday were read and approved.

Mr. Boardman presented the remonstrance of sundry citizens of the towns of Hume and Granger, in Allegany county, against any law authorising the erection of a bridge across the Genesee river on the county line between Allegany and the counties of Livingston and Wyoming, which was read and referred to the committee on roads and bridges.

Mr. Brinkerhoff presented the petition of sundry citizens of Cayuga co., praying for a law consolidating the different railroads between Albany and Buffalo, which was read and referred to the committee on railroads.

Mr. Averill presented the remonstrance of sundry citizens of the county of Jefferson, against a law declaring the Black river a common highway for floating saw-logs, which was read and referred to the committee on roads and bridges.

Mr. Green presented the petition of the Supervisors of the county of Schenectady, for the repeal of a law in relation to births, mar-

r ages, and deaths, passed May 28, 1847, or for certain amendments thereto, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Richards presented the remonstrance of sundry inhabitants of Wyoming county against any amendment in the charter of the Attica and Hornellsville Railroad Company, which was read and referred to the committee on railroads.

Mr. A. Robertson presented the petition of sundry inhabitants of Putnam and Dresden, in the county of Washington, praying for a law increasing the compensation allowed to collectors of taxes in those towns, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Slocum presented two several petitions of the common council and other inhabitants of the city of Syracuse, praying for a law authorising the Commissioners of the Land Office, to sell certain lands belonging to the state and to purchase certain other lands, which were read and referred to the committee on the manufacture of salt.

Mr. L. Ward Smith presented the petition of Jesse A. Auckinbough, praying to be incorporated as a seminary of education under the name of the Sacred Heart, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Boughton presented the petition of the trustees of Williamsburgh, praying for a law amending the charter of said village, as the same is reported to this Legislature, with such amendments as are therein proposed, which was read and referred to the select committee on that subject.

Mr. Glass presented the petition of sundry citizens of the town of Elbridge, in the county of Onondaga, praying for a law to define and reduce the hours of daily labor, which was read and referred to the committee of the whole House, when on the bill upon that subject.

Mr. Fish presented the petition of John Enders, praying for payment of damages occasioned by the destruction of the Fort Hunter bridge across Schoharie creek, which was read and referred to the committee on claims.

Mr. Boughton presented the remonstrance of sundry inhabitants of New Lots, in the village of Flatbush, against the proposed road from Gravesend to Brooklyn, which was read and referred to the committee of the whole House, when on the bill upon that subject.

Mr. Raynor presented the petition of sundry citizens of Buffalo, praying for a law securing to laborers on the state works, at least seventy-five cents per day; that they should be paid in current money, and that the legal day on all state works, shall be fixed at ten hours for a day's labor, which was read and referred to the select committee on that subject.

Mr. Skeel presented the petition of sundry citizens of Cortland co., praying for an act declaring the public utility of a railroad from Auburn to Binghamton, which was read and referred to the committee of the whole House, when on the bill upon that subject.

Messrs. J. E. Thompson and Young presented three several peti-

tions of sundry citizens of the county of Delaware, praying for the erection of a new county from parts of Delaware, Broome, Chenango, and Otsego counties, to be called the county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Mersereau presented the petition of sundry inhabitants of the county of Steuben, for a law directing the sale of lands sold for taxes, to be held in the counties in which such lands are situated, which were read and referred to the select committee on that subject.

Mr. Bailey from the committee on the judiciary to which was referred the petition of sundry inhabitants of Erie co., praying for a law to make the clerk's office of Erie co., a salary office," which was read the first time, and by unanimous consent was also read a second and committed to a committee of the whole House.

Mr. Cornell, from the committee on the judiciary, to which was referred the petition of John Black and William H. Pillow, praying for a divorce and "An act to amend the thirty-seventh section of article third, title first, chapter eighth, part second, of the Revised Statutes, in relation to the dissolution of the marriage contract," reported, and asked, and obtained leave to bring in a bill entitled "An act to amend the Revised Statutes entitled of divorces dissolving the marriage contract;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

(See Doc. No. 66.)

Mr. A. Johnson moved that five times the usual number of the said report be printed for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. Campbell from the committee on banks and insurance companies, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of certain purchasers of lands from the Trust Fire Insurance Company in the city of New-York," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Boughton, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the state of New-York, for a reduction of the rate of interest, reported against the prayer of the petitioner, and asked to be discharged from the further consideration of the said petition.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Boughton, from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the right of dower of widows whose husbands deceased non-residents of this state," re-

reported that the committee had examined said bill and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Sweet from the committee on the judiciary, to which was referred the petition of John R. Green praying for a law appropriating the proceeds of the sale of lands of Nicholas Grier, an alien deceased, and whose lands escheated to the state to the payment of a claim of said Green against the estate of said Grier, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Sweet from the committee on the judiciary, to which was referred the petition of sundry inhabitants of North Dansville, Livingston co., praying for a law authorising surveyors to take the proof and acknowledgment of deeds. &c., reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Bagley from the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act to provide for filling vacancies in office," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to change the name of Archibald Morrison Stone, to Archibald Morrison Morrison," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Noble from the committee on the judiciary, to which was referred the petition of inhabitants of the city of New-York, to abolish the present usury laws, reported and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Van Orden from the committee on the incorporation of cities and villages to which was referred the bill, entitled "An act to au-

thorise the mayor and common council of the city of Brooklyn to create a loan for the purpose of erecting a city hall in said city," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Averill from the committee on roads and bridges to which was referred the petition of inhabitants of Ulster co., for an amendment of the charter of the Saugerties and Woodstock turnpike company," reported, and asked and obtained leave to introduce a bill, entitled "An act to amend an act to incorporate the Saugerties and Woodstock turnpike road company, passed April 21, 1828," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Mowry from the committee on railroads to which was referred the bill, entitled "An act to amend the charter of the Attica and Hornellsville Railroad company," reported that the committee had had said bill under consideration, made sundry amendments thereto, and altered the title so as to read "An act to declare the public use of a railroad from Buffalo to Hornellsville," and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Mowry from the committee on railroads, to which was referred the petition of the Attica and Buffalo Railroad company, for an amendment of their charter, reported and asked for and obtained leave to introduce a bill, entitled "An act to amend an act to provide for the construction of a railroad from Attica to Buffalo, passed May 3, 1836," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Stevens from the committee on public printing, to which was referred the motion to print ten times the usual number of the report of the select committee appointed by the Assembly of 1848, to examine and report in relation to the removal of the quarantine grounds for the use of the Legislature, and 250 for the use of the committee, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of the said report be printed for the use of the Legislature and 200 copies for the use of the committee.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Averill from the committee on roads and bridges to which was referred the petition of inhabitants of Fulton and Montgomery counties, for a law authorising the Fultonville and Johnstown Plank Road company to bridge the Mohawk river, reported, and asked for and obtained leave to introduce a bill, entitled "An act to authorise the Fultonville and Johnstown Plank Road company to erect a bridge across the Mohawk river, between Fultonville and Fonda," which

was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Elwood from the minority of the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act to continue in office the commissioners on practice and pleadings," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

(See Doc. No. 57.)

*Ordered*, That the said report be laid upon the table.

A message from the Senate was received and read, informing that they had passed without amendment the bill therewith returned, entitled, "An act to authorise the purchase of the toll bridge at Jessup's little falls, and make the same a public highway."

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith returned, entitled "An act to authorise the chairman of the board of supervisors of the county of Delaware, to convey certain real estate."

"An act to levy a tax upon school district No. 14, in the towns of Milan and Pine Plains, to reimburse certain moneys to John Germond, David J. Hicks and Nathan Smith."

*Ordered*, That the Clerk deliver the said bills to the Governor.

A communication from the commissioners of the land office, transmitting their report and the report of the State Engineer and Surveyor on the petition of Mary E. Edwards for relief from the sale of a lot of land by the State, and in answer to a resolution of this House of Jan. 22, 1849, was received and read, and referred to the committee on public lands.

(See Doc. No. 64.)

The annual report of the Bowery Savings Bank, was received and read and referred to the committee on banks and insurance companies.

The 24th annual report of the managers of the Society for the Reformation of Juvenile Delinquents, was received and read and referred to the committee on charitable and religious societies.

Mr. W. S. Smith moved that 10 times the usual number of the said report be printed for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

A communication from the auditor of the canal department was received and read in the words following, to wit:

CANAL DEPARTMENT, }  
Albany, Jan. 29, 1849. }

*To the Speaker of the Assembly.*

SIR: I herewith send to the Legislature the statement of the canal commissioners of materials and tools purchased otherwise than by

contract between the 29th day of February and the 1st day of October 1848, made to the canal board in pursuance of the 9th section of chapter 278 of the laws of 1847.

By order of the Canal Board.

F. H. RUGGLES, *Auditor.*

(See Doc. No. 55.)

A communication from the Commissioners on Practice and Pleadings, transmitting their second, third and fourth reports, was received and read in the words following:

*Albany, January 30th, 1849.*

SIR:—The Commissioners on Practice and Pleadings have the honor herewith to transmit their second, third and fourth reports.

Very respectfully,

ARPHAXED LOOMIS,  
DAVID GRAHAM,  
DAVID DUDLEY FIELD.

Mr. Fish moved that 30 times the usual number of said reports be printed for the use of the Legislature and 1500 for the use of the commissioners, and that the usual number of said reports be bound for the use of the Legislature.

Mr. White moved that 750 copies be printed for the use of the commissioners.

*Ordered,* That the said motions be referred to the committee on public printing.

The House then resolved itself into a committee of the whole on the special order of the day, it being the bills entitled as follows:

The engrossed bill from the Senate, entitled "An act to continue in office the commissioners on practice and pleadings;"

"An act for the prevention and punishment of prize or concerted fighting;"

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pruyn from said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Fiske moved that when this House adjourns it will adjourn to meet at half past three o'clock this afternoon.

Mr. Pruyn moved that when the House adjourns it will adjourn to meet at nine o'clock to-morrow morning.

Mr. Goff rose to debate the said motion, and after proceeding sometime,

Mr. W. S. Smith called him to order for not confining his remarks to the question before the House.

Mr. Speaker decided the point of order to be will taken, when

Mr. Goff asked permission of the House to proceed in order.

Mr. Speaker put the question whether the House would grant the request of Mr. Goff, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the motion of Mr. Pruyn to adjourn the House to 9 o'clock to-morrow morning, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the motion of Mr. Fiske to adjourn to 3 o'clock this afternoon, and it was determined in the affirmative.

Mr. W. S. Smith moved that the said bills be made the special order for this afternoon at half-past three o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith and it was determined in the affirmative.

And then at fifteen minutes after two o'clock,

On motion of Mr. Fiske,  
The House adjourned.

### HALF-PAST THREE O'CLOCK P. M.

The House again met.

The House then again resolved itself into a committee of the whole on the bill in the words following, to wit:

#### **An act to continue in office the commissioners on practice and pleadings.**

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The commissioners on practice and pleadings now in office, are hereby continued in office with the powers, duties and salaries prescribed by the constitution and laws of this state, until the fifteenth day of April, in the year one thousand eight hundred and fifty.

§ 2. This act shall take effect on the first day of February, one thousand eight hundred and forty-nine.

Also "An act for the prevention and punishment of prize or concerted fighting," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pruyn from said committee reported that the committee had gone through the bill entitled "An act to continue in office the commissioners on practice and pleadings," and amended the same so as to read as follows:

#### **An act to continue in office the commissioners on practice and pleadings.**

*The People of the State of New-York represented in Senate and Assembly, do enact as follows:*

§ 1. The commissioners on practice and pleadings now in office, are hereby continued in office with the powers, duties and salaries



prescribed by the constitution and laws of this state, until the first day of April next.

§ 2. This act shall take effect on the first day of February, one thousand eight hundred and forty-nine.

Which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Pruyn from the same committee reported progress on the bill entitled "An act for the prevention and punishment of prize or concerted fighting," and asked for and obtained leave to sit again.

By unanimous consent,

The engrossed bill from the Senate entitled "An act to continue in office the commissioners on practice and pleadings," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 99 }  
{ NAYS 07 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. Roblee
Mr. H. J. Allen	Mr. Guernsey	Mr. A. Robertson
Mr. Bagley	Mr. Hall	Mr. Rockwell
Mr. Bailey	Mr. Harmon	Mr. Rounseville
Mr. Barber	Mr. Hart	Mr. St. John
Mr. Boardman	Mr. Hoyt	Mr. Sexton
Mr. Boughton	Mr. Hudson	Mr. Skeel
Mr. Bowen	Mr. A. Johnson	Mr. Slocum
Mr. Boyce	Mr. M. Johnson	Mr. Smalley
Mr. Brinkerhoff	Mr. Kelsey	Mr. L. Ward Smith
Mr. Budd	Mr. Kennedy	Mr. W. S. Smith
Mr. Bush	Mr. Kidd	Mr. Stevens
Mr. L. Butts	Mr. Leavenworth	Mr. Stewart
Mr. W. Butts	Mr. McKinney	Mr. Strever
Mr. Buxton	Mr. McLean	Mr. Stryker
Mr. Carver	Mr. McNeal	Mr. Sweet
Mr. Clark	Mr. Maine	Mr. Taylor
Mr. Crispell	Mr. Markel	Mr. Terry
Mr. Culbert	Mr. Mersereau	Mr. B. Thompson
Mr. Curtis	Mr. Miller	Mr. J. E. Thompson
Mr. Disosway	Mr. Mowry	Mr. A. Tuttle
Mr. Dodge	Mr. Nash	Mr. H. C. Tuthill
Mr. Elderkin	Mr. Pardee	Mr. Van Auken
Mr. Elwood	Mr. Pease	Mr. Van Orden
Mr. Fiske	Mr. Perley	Mr. Vincent
Mr. Fox	Mr. Picket	Mr. Ward
Mr. Gates	Mr. Pierce	Mr. Wells
Mr. A. Gilbert	Mr. Porter	Mr. Wheaton

Mr. L. M. Gilbert	Mr. Prescott	Mr. White	
Mr. Glass	Mr. Pruyn	Mr. Whittaker	
Mr. Goddard	Mr. Quackenboss	Mr. Wilcox	
Mr. Goff	Mr. Raynor	Mr. Woodruff	
Mr. Gove	Mr. Richards	Mr. Young	99

Those who voted in the negative are,

Mr. Beekman	Mr. Cornell	Mr. Hale	
Mr. Brewer	Mr. Crittenden	Mr. Moffatt	
Mr. Campbell			7

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with amendments.

And then at half-past five o'clock p. m.,

On motion of Mr. Pruyn,

The House adjourned.

### WEDNESDAY, JANUARY 31, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Hall.

The minutes of yesterday were read and approved.

Mr. Boughton presented the remonstrance of sundry inhabitants of New Utrecht, against the proposed road from Gravesend to Brooklyn, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Brinkerhoff presented the petition of sundry citizens of Cayuga co., for a law consolidating the railroads between Albany and Buffalo, which was read and referred to the committee on railroads.

Mr. Glass presented the petition of Darwin Harvey, for a law authorising him to build a dry dock on the Erie canal, which was read and referred to the committee on canals.

Mr. Budd presented the petition of sundry inhabitants of Rensselaer county, for a law suspending the collection of rents during the pendency of certain suits at law, commenced by the Attorney General against Wm. P. Van Rensselaer in said county, which was read and referred to the committee on the judiciary.

Mr. Mersereau presented the petition of sundry inhabitants of the county of Steuben, asking for a law taxing debts due to non-resident aliens, which was read and referred to the select committee on taxes and sale of lands.

Mr. Cornell presented the petition of the New-York Dispensary, and of the Northern and Eastern Dispensaries of the city of New-York, for the annual appropriation from the state, and for an increase of the

same, which was read and referred to the committee on ways and means.

Messrs. Elwood and Stevens presented three several remonstrances of sundry citizens of Oneida co., against any increase in the number of supervisors from the city of Utica, which were read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Pierce, Prescott and Stevens presented fourteen several petitions of sundry citizens of the county of Oneida, for an increase in the number of supervisors from the city of Utica, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Cornell presented the petition of the mayor, aldermen and commonalty of the city of New-York, for an act to amend the charter of the city of New-York, which was read and referred to the select committee consisting of the New-York delegation.

Mr. Fitzhugh presented the petition of the supervisors of Oswego county, for a repeal of the law requiring the registration of marriages, births and deaths, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Rose presented the memorial of Col. John Sharts, for the creation of the office of inspector general of militia, which was read and referred to the committee on militia and public defence.

Mr. Averill presented the remonstrance of sundry citizens of Jefferson county, against any law declaring the Black river a public highway for floating saw logs, which was read and referred to the committee on roads and bridges.

Mr. Slocum presented the remonstrance of sundry citizens of Onondaga county, against the repeal of the law in relation to passengers arriving at the ports of entry and landing in this state, passed Dec. 10, 1847, which was read, and referred to the committee on commerce and navigation.

Mr. Fish presented the petition of the trustees of the village of Fultonville, for an amendment of their charter, so as to confer upon them additional powers, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Stryker presented the petition of sundry inhabitants of the city of New-York, for an alteration in the law relative to the election of the trustees of the Yorkville school, which was read and referred to the committee on colleges, academies and common schools.

Mr. Pierce presented the petition of Polly Smith, an Oneida woman of the orchard party, for relief by the payment of certain moneys claimed for improvements on lands sold, which was read and referred to the committee on Indian affairs.

Mr. Goff presented the petition of Susan Darrah and other inhabitants of Chesterfield, Essex Co., praying for an act releasing the interest of the state in the lands and other property formerly owned by Daniel Darrah, escheated to the state, which was read and referred to the committee on the petitions of aliens.

Mr. B. Thompson presented the petition of sundry citizens of Buffalo, for an appropriation to the Buffalo Medical College, which

was read and referred to the committee on medical societies and colleges.

Mr. McLean presented the petition of Williamson Bull and other inhabitants of Wheatland, Monroe co., for a law changing the name of Williamson Bull to George Williamson, which was read and referred to the committee on the judiciary.

Mr. Budd presented the petition of sundry citizens of the town of Sandlake, in the county of Rensselaer, for a law incorporating a mutual company for protection against horse thieves, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Campbell presented the memorial of the common council of the city of New-York, for an act to prevent the throwing of offal, &c., into the streets of said city, which was read and referred to the select committee consisting of the New-York delegation.

Mr. Cornell presented the petition of the mayor, aldermen and commonalty of the city of New-York, for a law to extend the Croton water works, which was read and referred to the select committee consisting of the New-York delegation.

Mr. Crispell presented the petition of sundry inhabitants of Ulster county, for a law prohibiting the use of drift nets in the Hudson river north of the city of New-York, which was read and referred to the select committee on that subject.

Mr. J. E. Thompson presented the petition of sundry inhabitants of Delaware co., for the erection of a new county from parts of Broome, Delaware, Chenango and Otsego counties, to be called the county of Patterson; which was read and referred to the committee on the erection and division of towns and counties.

Mr. Kennedy from the committee on banks and insurance companies, to which was referred the bill, entitled "An act to amend an act, entitled 'An act to incorporate the Farmers' Mutual Insurance company of Erie co,' passed May 14, 1845," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred so much of the annual message of the Governor and of the Comptroller's report as relate to banks and insurance companies; reported, and asked and obtained leave to introduce a bill, entitled "An act to amend an act relative to the redemption of bank notes, passed May 4, 1840," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Fitzhugh, from the committee on canals, to which was referred the bill, entitled "An act authorising the appraisal and payment of canal damages to Henry P. Alexander, David Tomlinson, and others," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

(See Doc. No. 63.)

Mr. Boughton from the select committee to which was referred the bill entitled, "An act to amend the charter of the village of Williamsburg;" to report complete, reported that the committee had gone through the said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

On motion of Mr. Sexton,

By unanimous consent, the bill, entitled "An act to designate the place of holding the next annual town meeting in the town of Seward, in the county of Schoharie," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 107 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Quackenboss
Mr. H. J. Allen	Mr. Green	Mr. Raynor
Mr. Bagley	Mr. Guernsey	Mr. Richards
Mr. Beekman	Mr. Hale	Mr. Roblee
Mr. Boardman	Mr. Hall	Mr. A. Robertson
Mr. Boughton	Mr. Hammond	Mr. W. H. Robertson
Mr. Boyce	Mr. Harmon	Mr. Rockwell
Mr. Brinkerhoff	Mr. Hart	Mr. Rose
Mr. Brewer	Mr. Hoyt	Mr. Rounseville
Mr. Budd	Mr. Hudson	Mr. St. John
Mr. Bush	Mr. A. Johnson	Mr. Sexton
Mr. L. Butts	Mr. M. Johnson	Mr. Skeel
Mr. W. Butts	Mr. Kelsey	Mr. Slocum
Mr. Buxton	Mr. Kennedy	Mr. Smalley
Mr. Campbell	Mr. Kidd	Mr. W. S. Smith
Mr. Carver	Mr. Leavenworth	Mr. Speaker
Mr. Clark	Mr. McKinney	Mr. Stevens
Mr. Cornell	Mr. McLean	Mr. Stewart
Mr. Crispell	Mr. McNeal	Mr. Strever
Mr. Crittenden	Mr. Maine	Mr. Stryker
Mr. Culbert	Mr. Markel	Mr. Sweet
Mr. Curtis	Mr. Marsh	Mr. J. E. Thompson
Mr. Danforth	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Disosway	Mr. Miller	Mr. Van Auken
Mr. Dodge	Mr. Moffatt	Mr. Van Orden
Mr. Elderkin	Mr. Mowry	Mr. Vincent
Mr. Elwood	Mr. Nash	Mr. Ward

Mr. Fiske	Mr. Noble	Mr. Wells
Mr. Fitzhugh	Mr. Pardee	Mr. Wheaton
Mr. Folger	Mr. Pease	Mr. White
Mr. Fox	Mr. Perley	Mr. Whittaker
Mr. Gates	Mr. Picket	Mr. Willard
Mr. A. Gilbert	Mr. Pierce	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Porter	Mr. Woodruff
Mr. Glass	Mr. Prescott	Mr. Young
Mr. Goddard	Mr. Pruyn	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

Mr. Mersereau, from the committee on public printing, to which was referred the motion to print five times the usual number of the report of the committee on the judiciary on the bill to amend the Revised Statutes, entitled "of divorces," and dissolving the marriage contract for the use of the Legislature, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That five times the usual number of the said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Mersereau from the committee on public printing, to which was referred the motion to print ten times the usual number of the report of the managers of the Society for the Reformation of Juvenile Delinquents, for the use of the Legislature, reported and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That five times the usual number of the said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Mesereau from the committee on public printing to which was referred the motion to print 30 times the usual number of the report of the commissioners on practice, and pleadings for the use of the Legislature, and 1500 copies for the commissioners, and that the usual number of the said reports be bound for the use of the Legislature; also, the motion to print 750 for the commissioners, reported and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That thirty times the usual number of the said report be printed for the use of the Legislature and 750 copies for the use of the commissioners, and that the usual number be bound for the use of the Legislature, and that the same be printed in the same style and form as the first report of said commissioners.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A communication was received from the Hon. Millard Fillmore, transmitting his resignation of the office of Comptroller in the words following:

COMPTROLLER'S OFFICE, }  
Albany, Jan. 31, 1849. }

To the LEGISLATURE,  
*Of the State of New-York:*

GENTLEMEN—Anticipating that my duty may soon compel me to resign the office which I now hold, and being anxious to avoid any inconvenience which might result from a vacancy, I have thought that the public interest would be best consulted by a resignation to take effect at some future day, which should not only give time for the Legislature to pass a law for filling the vacancy, but also enable it to appoint a successor, and allow him time to reach the capital before I leave. I therefore respectfully resign the office of Comptroller, to take effect on the 20th day of February next.

I cannot suffer the opportunity to pass without expressing to you my heartfelt thanks for the courtesy and kindness which on your part have marked all our official intercourse.

I have the honor to be,

Your obedient servant,

MILLARD FILLMORE,

*Comptroller.*

On motion of Mr. Averill,

*Resolved*, That the petition of Babcock Fox and others for relief from canal damages be taken from the committee on claims, and referred to the committee on canals.

On motion of Mr. Porter,

*Resolved*, That the papers on the files of this House relating to the claim of Zacheus P. Gillet, be taken therefrom, and laid before the committee on claims.

Mr. Elwood gave notice that at an early day he would ask leave to bring in a bill to equalize representation in the boards of supervisors in the several counties of the state.

Mr. Averill gave notice that he would at an early day ask leave to introduce a bill in relation to the manner of electing directors of mutual fire insurance companies, and to regulate the amount of salaries of the officers of said companies.

Mr. Boughton gave notice of his intention at an early day to introduce a bill to establish a police court in the village of Williamsburgh.

Mr. Boughton gave notice that he would at an early day ask leave to introduce a bill to amend the charter of the Williamsburgh Fire Insurance Company.

Mr. W. H. Robertson gave notice that he would ask leave at an early day to bring in a bill to provide for the sale of lands for taxes in the counties where the land is situated.

Mr. W. H. Robertson gave notice that he would at an early day ask leave to introduce a bill to amend an act entitled "An act to authorise the formation of railroad companies," passed March 27, 1848, with regard to the badges required to be worn by conductors and others in the employ of said companies.

Mr. Hoyt offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur) That the Governor be and he is hereby requested to procure two swords with suitable emblems and devices thereon, and in the name of the people of this state, present one of them to Brigadier Gen. M. G. Belknap, and the other to Col. James Duncan, (each of them of the U. S. army) as a testimony of the respect entertained towards them by the people of this state, for the bravery and skill displayed by them in the several battles in which they were engaged in the late war between the United States and Mexico.

*Ordered*, That the said resolutions be laid upon the table.

In pursuance of previous notice, Mr. Rounseville asked for and obtained leave to bring in a bill entitled "An act to extend the exemption of household furniture, tools and team from distress on rent and sale under execution;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice Mr. White asked for and obtained leave to bring in a bill entitled "An act to amend an act to authorise the formation of the Niagara Suspension Bridge House Company;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on trade and manufactures.

Mr. B. Thompson gave notice that he would at an early day introduce an act supplementary to "An act for the more effectual protection of the property of married women," passed April 7, 1848.

On motion of Mr. W. S. Smith,

The House proceeded to the consideration of the report of the select committee appointed by the Assembly of 1848 to examine quarantine ground, and to report as to the propriety of its removal, and the question being upon the motion of Mr. Disosway to refer the said report to a select committee.

Mr. Bowen moved that the said report be referred to a select committee of one member from each judicial district.

Mr. Cornell moved that the said report be referred to the committee on commerce and navigation.

Debate was had thereon, when

Mr. Fish moved the previous question, which motion having been seconded,

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the main question whether the House would agree to the motion of Mr. Cornell, and it was determined in the affirmative.

On motion of Mr. Prescott,

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate entitled "An act to authorise the election of a supervisor in each ward of the city of Utica," and after some time spent thereon, Mr. Speaker resumed the chair,



and Mr. Folger from said committee, reported that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

On motion of Mr. W. S. Smith,

*Resolved*, That the use of the Assembly Chamber be granted to the New-York Institution for the instruction of the deaf and dumb, and that the principal of the said institution be invited to give an exhibition of the progress of education in said institution this evening.

A message from the Senate was received and read, informing that they had concurred in the amendments of the Assembly to the bill therewith returned, entitled "An act to continue in office the commissioners on practice and pleadings."

*Ordered*, That the Clerk return the said bill to the Senate.

And then at 2½ o'clock, p. m.,

On motion of Mr. Pruyn,  
The House adjourned.

## THURSDAY, FEBRUARY 1, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Garnett.

The minutes of yesterday were read and approved.

Mr. Vincent presented the resolutions of the board of supervisors of Dutchess co., for the repeal of the law for the registry of births, deaths and marriages, and for the repeal of the statute allowing corporate companies to commute or be exempt from taxes, and for a law allowing justices of the sessions three dollars per day for their attendance on courts of sessions and oyer and terminer, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Pierce presented the petition of Perkins E. Hays, contractor for the construction of section 31 and 32 of the Genesee Valley canal, asking relief for the wrong classification of excavations on said canal, which was read and referred to the committee on claims.

Mr. Elwood presented 7 remonstrances of citizens of Oneida co., against the passage of an act authorising the election of a supervisor in each ward in the city of Utica, which were read and laid upon the table.

Messrs. Whittaker and J. E. Thompson presented two petitions of sundry inhabitants of the counties of Broome and Delaware, for the erection of a new county from parts of Broome, Chenango, Delaware and Otsego counties, to be called the county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Pease presented the petition of Francis Seger and other in-

habitants of the county of Lewis, for a law appropriating so much of the surplus revenue, applicable to the completion of unfinished canals, as will complete the Black river canal from the High Falls in the county of Lewis, to Rome, in the county of Oneida, which was read and referred to the committee on canals.

Mr. Rose presented the petition of the officers of the first division of N. Y. S. militia, for amendments to the act to organize said division, which was read and referred to the committee on militia and public defence.

Mr. Miller presented the remonstrance of sundry inhabitants of Brookhaven, Suffolk co., against any law restricting the eel fishery in the South Bay in said county, which was read and referred to the select committee on that subject.

Mr. Graham presented two several petitions of sundry citizens of Rondout, Ulster co., for an act incorporating the village of Rondout, which was read, and referred to the committee on the incorporation of cities and villages.

Mr. Kelsey presented the petition of sundry inhabitants of Monroe county, for the passage of an act abolishing the mayor's court in the city of Rochester, which was read and referred to the committee on the judiciary.

Mr. Culbert presented the petition of John Stewart & Co., for an act authorising the Canal Board to pay the petitioners a certain sum of money which they claim to be due them and interest thereon, and compensation for cut stone delivered by them on the bank of the canal, which was read and referred to the committee on claims.

Mr. Gove presented the petition of sundry inhabitants of Malone and Constable, Franklin co., for an act declaring Trout river from Constable Corners to the Canada line a public highway, which was read and referred to the committee on roads and bridges.

Mr. Prescott presented twenty-three several petitions of sundry citizens of Oneida county, for a law authorising the election of a supervisor from each ward in the city of Utica, which were read and laid on the table.

Mr. Rose presented the petition of Daniel Talmage and others of South Hampton, Suffolk co., for a law regulating the eel fishery in certain waters in said town, which was read and referred to the select committee on that subject.

Mr. Ward presented the petition of the Le Roy Female Seminary, asking to extend and continue in force the act passed in 1847, authorising the Regents of the University to distribute the literary fund among the academies of the state, which was read and referred to the committee on colleges, academies and common schools.

Messrs. Wisewell, Kelsey and Markel presented three several petitions of sundry citizens of the counties of Yates, Monroe and Seneca, for a law directing the sale of lands, sold for taxes, to be made in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Averill presented the remonstrance of sundry citizens of Canajoharie, Montgomery co., against the repeal of the road act, passed

Dec. 10, 1847, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Disosway presented the petition of sundry inhabitants of the town of Schodack, Columbia co., for a law prohibiting the binding of children to the Shaker society, which was read and referred to the select committee having in charge the Shaker bill.

Mr. Disosway presented the petition of sundry inhabitants of Richmond co., for the repeal of the law establishing the quarantine on Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. L. Ward Smith from the committee on grievances, to which was referred the petition of John H. Hall for relief from damages for breach of contract by the state, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. L. Ward Smith from the committee on grievances, to which was referred the petition of Nirum Abbott, praying for a re-appraisal of canal damages, reported, and asked, and obtained leave to bring in a bill entitled "An act authorising the re-appraisal and payment of canal damages to Nirum Abbott," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

(See Doc. No. 61.)

Mr. Elwood, from the committee on the incorporation of cities and villages to which was referred the bill entitled "An act to amend the act entitled 'An act to provide for the incorporation of villages,' passed Dec. 7, 1847," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. A. Robertson, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act passed April 12, 1848, to require superintendents of the poor to give bonds," reported that the committee had had said bill under consideration, and made sundry amendments thereto, and altered the title so as to read "An act to amend an act to require superintendents of the poor to give bonds, passed April 12, 1848," and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to regulate the sale of keg oysters," reported that the committee had ex-

amined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to legalize the proceeding of the trustees and electors of the village of Ulster, in the county of Ulster," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the preservation of the public health," reported the bill to the House.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Campbell, from the select committee, to which was referred the petition of the mayor and commonalty of the city of New-York, for a law to prevent the throwing of offal into the streets of said city, reported, and asked, and obtained leave to bring in a bill entitled "An act to prevent the throwing of offal and other filthy substances into the streets of the city of New-York;" which was read the first time and by unanimous consent was also read a second time and committed to the committee of the whole House.

Mr. Beekman from the select committee to which was referred the petition of sundry inhabitants of the state of New-York, praying for the limitation of the hours of labor, reported, and asked, and obtained leave to bring in a bill entitled "An act to protect apprentices and operatives in manufactories;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

A message from the Governor, was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, January 31, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bills entitled as follows:

"An act to authorise the chairman of the board of supervisors of the county of Delaware to convey certain real estate."

"An act to levy a tax upon school district No. 14, in the towns of Milan and Pine Plains to reimburse certain monies to John Germond, David J. Hicks, and Nathan Smith."

"An act to authorise the purchase of the toll bridge at Jessups Little Falls, and make the same a public highway."

HAMILTON FISH.

A communication from the sheriff of the city of New-York in answer to a resolution of this House of Jan. 19, reporting the amount of sales under foreclosure of mortgages made by him, and the amount

of fees received by him on such sales, and also the amount of money remaining in his hands, and the security given by him therefor, was received, and read, and laid upon the table.

The 28th annual report of the surgeons of the New-York Eye Infirmary, was received and referred to the committee on medical societies and colleges.

The 6th annual report of the managers of the State Lunatic Asylum, was received and read as follows:

Utica, Jan. 25, 1849.

HON. A. K. HADLEY,

*Speaker of the Assembly.*

SIR:—Herewith is transmitted the annual report of the managers of the State Lunatic Asylum.

Respectfully yours,

A. MUNSON,  
J. S. WADSWORTH,  
NICHOLAS DEVEREUX,  
C. B. COVENTRY,  
C. A. MANN,  
W. B. WELLES,  
SILAS D. CHILDS,  
T. ROMEYN BECK,  
JOEL A. WING.

Mr. Wing moved that 10 times the usual number of said report be printed for the use of the Legislature, and 2500 for the Institution.

*Ordered,* That the said motion be referred to the committee on public printing.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act for the relief of George W. Murray," which was read the first time, and by unanimous consent was also read the second time, and referred to the select committee on taxes, &c.

"An act to incorporate the Auburn saving institution," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

"An act to fix the time and place for holding the annual town meeting in the town of Colesville, county of Broome," which was read the first time, and by unanimous consent was also read second time.

On motion of Mr. Sweet,

*Ordered,* That said bill be read a third time.

"An act for the relief of Nathaniel Mather," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on public lands.

"An act for the relief of Zebulon Moore," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on claims.

By unanimous consent,

The engrossed bill from the Senate, entitled "An act to fix the time and place of holding the annual town meeting in the town of Colesville, county of Broome," was read a third time, and having been amended,

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 111 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Raynor
Mr. H. J. Allen	Mr. Gove	Mr. Richards
Mr. Bagley	Mr. Graham	Mr. Roblee
Mr. Bailey	Mr. Green	Mr. A. Robertson
Mr. Beekman	Mr. Guernsey	Mr. W. H. Robertson
Mr. Boardman	Mr. Hale	Mr. Rockwell
Mr. Bogart	Mr. Hall	Mr. Rose
Mr. Boughton	Mr. Hammond	Mr. Rounseville
Mr. Boyce	Mr. Harmon	Mr. St. John
Mr. Brinkerhoff	Mr. Hoyt	Mr. Sexton
Mr. Brewer	Mr. Hudson	Mr. Skeel
Mr. Budd	Mr. A. Johnson	Mr. Smalley
Mr. Bull	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Bush	Mr. Kelsey	Mr. W. S. Smith
Mr. L. Butts	Mr. Kennedy	Mr. Speaker
Mr. Buxton	Mr. Kidd	Mr. Stevens
Mr. Campbell	Mr. McKinney	Mr. Stewart
Mr. Carver	Mr. McLean	Mr. Strever
Mr. Clark	Mr. McNeal	Mr. Sweet
Mr. Cornell	Mr. Maine	Mr. Terry
Mr. Crispell	Mr. Markel	Mr. B. Thompson
Mr. Crittenden	Mr. Marsh	Mr. J. E. Thompson
Mr. Cross	Mr. Mersereau	Mr. A. Tuttle
Mr. Culbert	Mr. Miller	Mr. H. C. Tuthill
Mr. Curtis	Mr. Moffatt	Mr. Van Auken
Mr. Disosway	Mr. Mowry	Mr. Van Orden
Mr. Dodge	Mr. Nash	Mr. Vincent
Mr. Elderkin	Mr. Noble	Mr. Ward
Mr. Elwood	Mr. Pardee	Mr. Wells
Mr. Fish	Mr. Pease	Mr. Wheaton
Mr. Fiske	Mr. Perley	Mr. White
Mr. Fitzhugh	Mr. Picket	Mr. Whittaker
Mr. Folger	Mr. Pierce	Mr. Willard
Mr. Gates	Mr. Porter	Mr. Wilcox
Mr. A. Gilbert	Mr. Prescott	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Prunyn	Mr. Woodruff
Mr. Glass	Mr. Quackenboss	Mr. Young

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with amendments.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to amend the charter of the Washington Monument Association of the city of New-York."

The said amendments were read, when

Mr. Beekman moved that the House concur in said amendments.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Beekman, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows :

{ AYES 108 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Richards
Mr. H. J. Allen	Mr. Goddard	Mr. Roblee
Mr. Bagley	Mr. Graham	Mr. A. Robertson
Mr. Beekman	Mr. Green	Mr. W. H. Robertson
Mr. Boardman	Mr. Guernsey	Mr. Rockwell
Mr. Bogart	Mr. Hale	Mr. Rose
Mr. Boughton	Mr. Hall	Mr. Rounseville
Mr. Brinkerhoff	Mr. Hammond	Mr. St. John
Mr. Brewer	Mr. Hoyt	Mr. Sexton
Mr. Budd	Mr. Hudson	Mr. Skeel
Mr. Bull	Mr. A. Johnson	Mr. Slocum
Mr. Bush	Mr. M. Johnson	Mr. Smalley
Mr. L. Butts	Mr. Kelsey	Mr. L. Ward Smith
Mr. W. Butts	Mr. Kennedy	Mr. W. S. Smith
Mr. Buxton	Mr. Kidd	Mr. Speaker
Mr. Campbell	Mr. McKinney	Mr. Stevens
Mr. Carver	Mr. McLean	Mr. Stewart
Mr. Clark	Mr. McNeal	Mr. Strever
Mr. Cornell	Mr. Maine	Mr. Sweet
Mr. Crispell	Mr. Marsh	Mr. Terry
Mr. Crittenden	Mr. Mersereau	Mr. J. E. Thompson
Mr. Cross	Mr. Miller	Mr. A. Tuttle
Mr. Culbert	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Curtis	Mr. Mowry	Mr. Van Auken
Mr. Disosway	Mr. Nash	Mr. Van Orden
Mr. Dodge	Mr. Noble	Mr. Varnum
Mr. Elderkin	Mr. Pardee	Mr. Vincent
Mr. Elwood	Mr. Pease	Mr. Ward
Mr. Fish	Mr. Perley	Mr. Wells
Mr. Fiske	Mr. Picket	Mr. Wheaton
Mr. Fitzhugh	Mr. Pierce	Mr. White
Mr. Folger	Mr. Porter	Mr. Willard
Mr. Fox	Mr. Prescott	Mr. Wilcox

Mr. Gates	Mr. Pruyn	Mr. Wisewell	
Mr. A. Gilbert	Mr. Quackenboss	Mr. Woodruff	
Mr. L. M. Gilbert	Mr. Raynor	Mr. Young	108

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

The engrossed bill from the Senate, entitled "An act to authorise the election of a supervisor in each ward in the city of Utica," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 82 }  
{ NAYS 16 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Quackenboss
Mr. H. J. Allen	Mr. Graham	Mr. Raynor
Mr. Averill	Mr. Green	Mr. Richards
Mr. Bagley	Mr. Guernsey	Mr. A. Robertson
Mr. Beekman	Mr. Hall	Mr. W. H. Robertson
Mr. Boardman	Mr. Hammond	Mr. Rockwell
Mr. Bogart	Mr. Hoyt	Mr. Rose
Mr. Boughton	Mr. Hudson	Mr. Rounseville
Mr. Brewer	Mr. M. Johnson	Mr. St. John
Mr. Budd	Mr. Kelsey	Mr. Sexton
Mr. Bull	Mr. Kennedy	Mr. Smalley
Mr. Bush	Mr. Kidd	Mr. L. Ward Smith
Mr. L. Butts	Mr. Leavenworth	Mr. W. S. Smith
Mr. W. Butts	Mr. McKinney	Mr. Speaker
Mr. Buxton	Mr. McLean	Mr. Stewart
Mr. Campbell	Mr. McNeal	Mr. Sweet
Mr. Carver	Mr. Maine	Mr. Terry
Mr. Clark	Mr. Markel	Mr. B. Thompson
Mr. Crittenden	Mr. Marsh	Mr. A. Tuttle
Mr. Cross	Mr. Miller	Mr. Van Orden
Mr. Culbert	Mr. Pardee	Mr. Varnum
Mr. Disosway	Mr. Pease	Mr. Ward
Mr. Fish	Mr. Perley	Mr. Wells
Mr. Fiske	Mr. Pierce	Mr. Wheaton
Mr. Folger	Mr. Porter	Mr. Wisewell
Mr. Gates	Mr. Prescott	Mr. Woodruff
Mr. A. Gilbert	Mr. Pruyn	Mr. Young
Mr. Glass		

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Those who voted in the negative are,

Mr. Barber	Mr. Mersereau	Mr. Stevens
Mr. Elderkin	Mr. Moffatt	Mr. Strever



Mr. Elwood  
Mr. Goddard  
Mr. Goff  
Mr. Harmon

Mr. Nash  
Mr. Picket  
Mr. Roblee

Mr. J. E. Thompson  
Mr. Whittaker  
Mr. Wilcox

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill, entitled "An act to amend the charter of the village of Williamsburg," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 98 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Bagley  
Mr. Bailey  
Mr. Beekman  
Mr. Boardman  
Mr. Bogart  
Mr. Boughton  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Buxton  
Mr. Campbell  
Mr. Carver  
Mr. Clark  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Curtis  
Mr. Disosway  
Mr. Elderkin  
Mr. Elwood  
Mr. Fiske  
Mr. Folger  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert

Mr. Green  
Mr. Hall  
Mr. Hammond  
Mr. Harmon  
Mr. Hart  
Mr. Hoyt  
Mr. Hudson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. Leavenworth  
Mr. McKinney  
Mr. McLean  
Mr. McNeal  
Mr. Maine  
Mr. Markel  
Mr. Marsh  
Mr. Mersereau  
Mr. Miller  
Mr. Moffatt  
Mr. Mowry  
Mr. Nash  
Mr. Noble  
Mr. Pardee  
Mr. Pease  
Mr. Perley  
Mr. Picket  
Mr. Porter  
Mr. Prescott

Mr. Roblee  
Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. St. John  
Mr. Sexton  
Mr. Skeel  
Mr. Smalley  
Mr. L. Ward Smith  
Mr. W. S. Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stewart  
Mr. Sweet  
Mr. Terry  
Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. A. Tuttle  
Mr. H. C. Tuthill  
Mr. Van Orden  
Mr. Vincent  
Mr. Ward  
Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Wilcox  
Mr. Wing

Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard

Mr. Pruyn  
Mr. Quackenboss  
Mr. Richards

Mr. Wisewell  
Mr. Woodruff

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the resolution therewith delivered, in the words following, to wit:

*Resolved*, (if the Assembly concur,) That the resignation by the Hon. Millard Fillmore of his office of Comptroller of this State, to take effect on the 20th day of February next, which has this day been communicated to the Legislature be accepted, with an expression of their thanks for the zeal, ability and fidelity with which he has discharged the duties that were confided to him by the people of this State.

Mr. Pruyn moved the House concur.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

A message from the Senate was received and read, informing that they had passed without amendment the bill, entitled "An act conferring jurisdiction upon justices of the peace in the city of Rochester in actions upon the charter or by-laws of said corporation."

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, informing that they have concurred in the amendment of the House to the bill, entitled "An act to fix the time and place for holding the annual town meeting, in the town of Colesville, county of Broome," and have amended the same accordingly.

*Ordered*, That the Clerk deliver the said bill to the Senate.

Mr. Goddard gave notice of his intention at an early day to introduce a bill for a change of the present mode of electing assessors in the several towns in this State.

Mr. Vincent gave notice that he would at an early day ask leave to introduce a bill to amend an act, entitled "An act relating to the New-York and Harlem Railroad company."

Mr. Cross gave notice that he would at some future day ask leave to introduce a bill, entitled "An act relative to common schools in the city of Brooklyn."

Mr. B. Thompson gave notice that he would at an early day, introduce a bill authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes.

Mr. Moffatt gave notice that at some early day he would introduce a bill to reduce the rate of interest from 7 per cent to 6 six per cent.

Mr. Taylor gave notice that he would at an early day ask leave to introduce a bill in relation to the election of trustees of the Yorkville school, in the city of New-York.

Mr. Noble gave notice that at an early day he would ask leave to introduce a bill to amend the Revised Statutes, in relation to crimin-

al convictions, and the removal thereof, and granting new trials therein.

Mr. Cornell offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That hereafter, and until the further order of this House, the hour of meeting be 11 o'clock a. m.

*Ordered*, That the said resolution be laid upon the table.

In pursuance of previous notice, Mr. B. Thompson asked and obtained leave to introduce a bill, entitled "An act supplementary to an act for the more effectual protection of the property of married women, passed April 7, 1848;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Boughton asked and obtained leave to introduce a bill, entitled "An act to amend the charter of the Williamsburgh Fire Insurance company;" which was read the first time and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice, Mr. Averill asked and obtained leave to introduce a bill, entitled "An act to provide for the election of officers of Mutual Fire Insurance companies, and to regulate their fees;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

The House then resolved itself into a committee of the whole on the bill, entitled "An act for the prevention and punishment of prize or concerted fighting;" and after some time spent thereon, Mr. Speaker resumed the chair and Mr. L. M. Gilbert from said committee, reported that the committee had gone through the said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. White,

The House then resolved itself into a committee of the whole on the bill, entitled "An act making an appropriation to the New-York Institution for the Instruction of the Deaf and Dumb, to enable them to pay off their debts;" and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Nash from said committee, reported, that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent, the said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 113 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. Glass	Mr. Roblee
Mr. Averill	Mr. Goddard	Mr. A. Robertson
Mr. Bagley	Mr. Goff	Mr. W. H. Robertson
Mr. Bailey	Mr. Graham	Mr. Rockwell
Mr. Beekman	Mr. Green	Mr. Rose
Mr. Boardman	Mr. Guernsey	Mr. Rounseville
Mr. Bogart	Mr. Hale	Mr. St. John
Mr. Boughton	Mr. Hall	Mr. Sexton
Mr. Boyce	Mr. Hammond	Mr. Skeel
Mr. Brinkerhoff	Mr. Harmon	Mr. Slocum
Mr. Brewer	Mr. Hoyt	Mr. Smalley
Mr. Budd	Mr. Hudson	Mr. L. Ward Smith
Mr. Bull	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bush	Mr. M. Johnson	Mr. Stevens
Mr. L. Butts	Mr. Kelsey	Mr. Stewart
Mr. W. Butts	Mr. Kennedy	Mr. Strever
Mr. Buxton	Mr. Kid <sup>d</sup>	Mr. Sweet
Mr. Campbell	Mr. McKinney	Mr. Taylor
Mr. Carver	Mr. McLean	Mr. B. Thompson
Mr. Clark	Mr. McNeal	Mr. J. E. Thompson
Mr. Cornell	Mr. Maine	Mr. A. Tuttle
Mr. Crispell	Mr. Marsh	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Mersereau	Mr. Van Auken
Mr. Cross	Mr. Miller	Mr. Van Orden
Mr. Culbert	Mr. Moffatt	Mr. Varnum
Mr. Curtis	Mr. Mowry	Mr. Vincent
Mr. Disosway	Mr. Nash	Mr. Ward
Mr. Dodge	Mr. Noble	Mr. Wells
Mr. Elderkin	Mr. Pardee	Mr. Wheaton
Mr. Elwood	Mr. Pease	Mr. White
Mr. Fish	Mr. Perley	Mr. Whittaker
Mr. Fiske	Mr. Picket	Mr. Willard
Mr. Fitzhugh	Mr. Pierce	Mr. Wilcox
Mr. Folger	Mr. Porter	Mr. Wisewell
Mr. Fox	Mr. Prescott	Mr. Woodruff
Mr. Gates	Mr. Pruyn	Mr. Young
Mr. A. Gilbert	Mr. Quackenboss	

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The House then resolved itself into a committee of the whole on the bill, entitled "An act for the licensing and government of the pilots of the port of New-York by way of Sandy Hook," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Johnson, from said committee, reported progress and asked and obtained leave to sit again.

And then, at 2 o'clock p. m.,

On motion of Mr. McNeal,

The House adjourned.

FRIDAY, FEBRUARY 2, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Belknap.

The minutes of yesterday were read and approved.

Mr. Wing presented the petition of 500 mechanics and working men of the city and county of Albany, asking for the repeal of the law permitting the cutting and dressing stone in the State prisons in this State, which was read and referred to the committee on State prisons.

Mr. Guernsey presented the petition of citizens of Cattaraugus co., praying for an act levying a tax upon that county for the purpose of repairing that portion of the stage road from Jamestown to Lodi which crosses the Conewango swamp, which was read and referred to the committee on roads and bridges.

Mr. Curtis presented the petition of Dennis Lewis and others, praying for a law to authorise him to qualify as a justice of the peace for the town of New Lebanon, which was read and referred to the committee on the judiciary.

Mr. Skeel presented 7 petitions of citizens of Cortland co., praying for an act declaring the public utility of a railroad from Auburn to Binghamton, passing through the village of Homer and Cortland, which were read and referred the select committee when on the bill upon that subject.

Messrs. Brinkerhoff and H. C. Tuthill, presented two petitions of citizens of Broome and Cayuga counties, for a railroad from Auburn to Binghamton, which were read and referred to the select committee when on the bill upon that subject.

Messrs. Gove and Picket presented two petitions of citizens of Franklin and St. Lawrence counties, for an act authorising the Northern railroad company to build a bridge across Lake Champlain, near Rouse's point, which were read and referred to the select committee on that subject.

Mr. Carver presented the remonstrance of citizens of Clinton co., against any law authorising the building of a bridge across Lake Champlain, which was read and referred to the select committee upon that subject.

Mr. Fitzhugh presented the petition of citizens of Fulton, Oswego county, for a law authorising the board of Supervisors of that county to purchase the bridge over the Oswego river from the Oswego Falls Bridge company, which was read and referred to the committee on roads and bridges.

Mr. Fitzhugh presented the remonstrance of citizens of Volney, Oswego co., against the construction of a bridge over the Oswego river at the public expense, which was read and referred to the committee on roads and bridges.

Messrs. Whittaker and J. E. Thompson presented two petitions

of inhabitants of Broome and Delaware counties for the erection of a new county out of parts of Delaware, Broome, Chenango and Otsego counties, to be called the county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Messrs. Crispell and Graham presented four petitions of inhabitants of Rondout, in Ulster county, for an act incorporating the village of Rondout, which were read and referred to the committee on the incorporation of cities and villages.

Mr. B. Thompson presented the petition of citizens of Buffalo, for an endowment of the Buffalo City Hospital by the State, which was read and referred to the committee on medical societies and colleges.

Mr. Skeel presented the petition of citizens of Homer, Cortland co., for a special act, authorising the building of a plank road from the village of Homer to the village of Cortland, which was read and referred to the committee on roads and bridges.

Mr. Fitzhugh presented the petition of citizens of Oswego for a law authorising the construction of a free bridge in that city, which was read and referred to the committee on roads and bridges.

Mr. Averill presented the petition of citizens of Montgomery co. for a law authorising the construction of a free bridge across the Mohawk river, between Minden and St. Johnsville, which was read and referred to the committee on roads and bridges.

Mr. L. M. Gilbert presented four remonstrances of citizens of Cherry Valley, Otsego co., against any division of said town, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Noble presented the petition of 131 inhabitants of Otsego and Delaware counties, praying for a new county from parts of Otsego, Chenango, and Delaware counties, to be called the county of Unadilla, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Raynor presented the petition of sundry inhabitants of the towns of Black Rock, Hamburg, and Cheektawaga, praying for the erection of a new town from parts of said towns, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Boughton presented the remonstrance of Hendrick R. Wyckoff and 27 other inhabitants of Gravesend, against the proposed road from Gravesend to Brooklyn, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Buxton presented the petition of sundry inhabitants of the town of Evans, Erie co., praying for a law to make the clerk's office in that county, a salary office, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Button presented the petition of sundry inhabitants of the city of Auburn, praying for a limitation of the hours of labor to ten hours per day, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Disosway presented two several petitions of sundry inhabitants of the towns of Nassau and New Lebanon, praying for a law forbidding the binding or placing children under the care of the shakers, to be educated in their faith, which was read and referred to a select committee on an act in relation to certain trusts.

Mr. Kidd presented the petition of sundry inhabitants of the town of Westchester, praying for a division of the state money for a school in that town, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Averill presented the petition of William H. Bennett and other inhabitants of Fort Plain, praying for an act authorising the appraisal and payment of certain canal damages, which was read and referred to the committee on canals.

Mr. Averill presented the petition of Peter J. Wagner, Elias Stillwell, and Henry P. Voorhees, praying for an act authorising the payment of certain canal damages, which was read and referred to the committee on canals.

Mr. Averill presented the petition of John Babcock, Leander Fox and others, praying for a law authorising the canal commissioners to pay certain damages sustained by the petitioners in consequence of certain structures upon the Erie canal, causing the waters of the Otsquago creek to overflow, which was read and referred to the committee on canals.

Messrs. Kelsey and Disosway presented two several petitions of sundry inhabitants of Monroe and Richmond counties, praying for a law directing the sale of lands sold for taxes to be held in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Cross presented two several petitions of sundry citizens of Brooklyn and New-York, praying for an act to incorporate a building and accumulating fund association, which was read and referred to the committee on trade and manufactures.

Mr. Young presented the petition of 30 inhabitants of Little Valley, Cattaraugus co., for an act to authorise said town to raise by tax 100 dollars for the benefit of Lyman S. Pratt, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. W. S. Smith presented the memorial of the N. Y. S. Agricultural Society for the establishment of an agricultural school, which was read and referred to the committee on agriculture.

On motion of Mr. W. S. Smith,

*Ordered*, That the said memorial be printed.

Mr. McKinney presented the petition of Hartman Vreeland Van Horn, praying for an act to change his name to Hartman Vreeland, which was read and referred to the committee on the judiciary.

Mr. W. S. Smith presented the petition of H. Bennett of Chenango co., praying for an act in relation to proceedings in criminal cases, which was read and referred to the committee on the judiciary.

Mr. Kelsey presented the petition of sundry inhabitants of the

town of Irondequoit, Monroe co., praying for a law abolishing the mayor's court in the city of Rochester, which was read and referred to the committee on the judiciary.

Mr. Markel and Mr. Mowry presented two several petitions of sundry inhabitants of Seneca and Washington counties, against the repeal of the law concerning passengers arriving at the ports of entry and landings in this state, passed Dec. 10, 1847, which was read and laid upon the table.

Mr. Fish from the committee on privileges and elections, to which was referred the bill entitled "An act to provide for the payment of the expenses made in the correction of errors committed by town inspectors of election, and to guard against such errors," reported that the committee had had said bill under consideration, and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred the bill entitled "An act to amend an act to incorporate the Monroe County Mutual Insurance Company, passed March 25, 1836," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Fitzhugh, from the committee on canals, to which was referred the bill entitled "An act authorising the canal commissioners to construct a towing path from the guard lock at the Glen's Falls feeder dam to the rapids above, and for other purposes," reported that the committee had had said bill under consideration, and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Fitzhugh from the committee on canals, to which was referred the petition of sundry inhabitants of West Troy for a bridge over the canal at Ferry-street in said village, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fitzhugh from the committee on canals, to which was referred the petition of Jesse Hollister for a reappraisal of damages done to his saw mill, by taking water from the Cowasalon creek for the Erie canal, reported against the prayer of the petitioner, and asked to be discharged from the further consideration of the said petition.

(See Doc. No. 62.)

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.



Mr. Pruyn, from the select committee, to which was referred the petition of a committee of the common council of the city of Albany, praying for a law regulating the place of the landing and departure of steamboats, reported, and asked, and obtained leave to bring in a bill entitled "An act to regulate the landing and departure of steamboats in the city of Albany;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bill entitled as follows, to wit:

"An act for the prevention and punishment of prize or concerted fighting;"

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

Mr. Mersereau from the committee on public printing to which was referred the motion to print ten times the usual number of the report of the managers of the State Lunatic Asylum for the use of the Legislature, and 2500 for the use of the managers of the institution, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of said report be printed for the use of the Legislature, and 2500 copies for the use of the institution.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Governor, was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, February 1, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bill entitled as follows:

"An act conferring jurisdiction upon justices of the peace in the city of Rochester in actions upon the charter or by-laws of said corporation."

HAMILTON FISH.

The Senate returned the engrossed bill entitled "An act to designate the place of holding the next annual town meeting in the town of Seward, in the county of Schoharie."

*Ordered*, That the Clerk deliver the said bill to the Governor.

The Senate returned the engrossed bill entitled "An act to amend the charter of the Washington Monument Association of the city of New-York."

*Ordered*, That the Clerk deliver said bill to the Governor.

The annual report of the Buffalo Savings Bank, was received and referred to the committee on banks and insurance companies.

The annual report of the trustees of the Brooklyn Institute, was received and referred to the committee on colleges, academies and common schools.

The engrossed bill, entitled "An act for the prevention and punishment of prize or concerted fighting," was read a third time.

Mr. Fish moved that said bill be recommitted to a committee of the whole.

Debate was had thereon, when

Mr. Fish withdrew his motion to recommit.

Mr. Rose moved that said bill be recommitted to a select committee, with instructions to report the bill forthwith amended by striking out the third and fourth sections of said bill, as follows:

§ 3. If any inhabitant of this state shall leave the state for the purpose of engaging or taking part in any prize fight, or any fight in pursuance of any previous arrangement or challenge, with or without weapons, or in any manner eluding the operations of this statute, he shall, upon conviction, be punished by imprisonment in a state prison for a term not exceeding five years, or (by imprisonment) in a county jail not exceeding one year, or by fine not exceeding two hundred and fifty dollars, or by both such fine and imprisonment, in the discretion of the court.

§ 4. Every such offender specified in the last section may be indicted and tried in any county of this state.

And by adding as a new section the following:

"It shall not be lawful for any person or persons to give public exhibitions for gain or profit in boxing, sparring, pugilism, or what is termed the manly art of self defence, and no owner or occupant of any house, outhouse, yard, field, shed or other place, shall furnish or allow the same to be used for the accommodation of such exhibitions. Whoever shall offend against this provision shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding one thousand dollars, or imprisonment in a county jail for a period not exceeding one year, or by both such fine and imprisonment."

Mr. Willard moved to amend the motion of Mr. Rose, to recommit with instructions, by adding at the end of the first section, the words following:

"Unless such challenge shall be withdrawn previous to such fight, thereby preventing such fight or conflict, and previous to the commencement of legal proceedings in regard thereto."

Debate was had thereon, when

Mr. Folger moved the previous question, which motion having been seconded,

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

A division of the question being called,

Mr. Speaker then put the main question whether the House would agree to so much of the motion of Mr. Rose as instructs the committee to strike out the third and fourth sections, and it was determined in the negative.

{ AYES 29 }  
{ NAYS 78 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fish	Mr. Noble
Mr. Averill	Mr. Glass	Mr. Rose
Mr. Bowen	Mr. Graham	Mr. Slocum
Mr. Bull	Mr. Kidd	Mr. W. S. Smith
Mr. Bush	Mr. McKinney	Mr. Stevenson
Mr. W. Butts	Mr. Maine	Mr. Stewart
Mr. Crispell	Mr. Markel	Mr. B. Thompson
Mr. Cross	Mr. Marsh	Mr. Wilcox
Mr. Culbert	Mr. Miller	Mr. Wing
Mr. Elwood	Mr. Nash	

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Those who voted in the negative are,

Mr. Bailey	Mr. Hale	Mr. Rounseville
Mr. Boardman	Mr. Hall	Mr. St. John
Mr. Bogart	Mr. Hammond	Mr. Sexton
Mr. Brinkerhoff	Mr. Harmon	Mr. Skeel
Mr. Brewer	Mr. Hart	Mr. Smalley
Mr. Button	Mr. Hudson	Mr. Speaker
Mr. L. Butts	Mr. A. Johnson	Mr. Stevens
Mr. Buxton	Mr. M. Johnson	Mr. Strever
Mr. Campbell	Mr. Kelsey	Mr. Stryker
Mr. Carver	Mr. Kennedy	Mr. Sweet
Mr. Clark	Mr. McLean	Mr. Terry
Mr. Cornell	Mr. McNeal	Mr. J. E. Thompson
Mr. Crittenden	Mr. Mersereau	Mr. A. Tuttle
Mr. Curtis	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Dodge	Mr. Pease	Mr. Van Auken
Mr. Elderkin	Mr. Perley	Mr. Van Orden
Mr. Fiske	Mr. Picket	Mr. Vincent
Mr. Fitzhugh	Mr. Porter	Mr. Ward
Mr. Folger	Mr. Prescott	Mr. Wells
Mr. Gates	Mr. Pruyn	Mr. Wheaton
Mr. A. Gilbert	Mr. Quackenboss	Mr. White
Mr. L. M. Gilbert	Mr. Raynor	Mr. Whittaker
Mr. Goddard	Mr. Richards	Mr. Willard
Mr. Goff	Mr. Roblee	Mr. Wisewell
Mr. Gove	Mr. A. Robertson	Mr. Woodruff
Mr. Guernsey	Mr. Rockwell	Mr. Young

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Mr. Speaker then put the question whether the House would agree to so much of the motion of Mr. Rose to recommit as instructs the committee to add an additional section, and it was determined in the affirmative.

{ AYES 59 }  
{ NAYS 47 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fox	Mr. Skeel
Mr. Averill	Mr. L. M. Gilbert	Mr. Slocum
Mr. Bailey	Mr. Glass	Mr. W. S. Smith
Mr. Bogart	Mr. Graham	Mr. Stevenson
Mr. Boughton	Mr. Hall	Mr. Stewart
Mr. Brewer	Mr. Kelsey	Mr. Strever
Mr. Bull	Mr. Kidd	Mr. Sweet
Mr. Bush	Mr. McNeal	Mr. B. Thompson
Mr. Button	Mr. Markel	Mr. J. E. Thompson
Mr. W. Butts	Mr. Marsh	Mr. A. Tuttle
Mr. Cornell	Mr. Miller	Mr. H. C. Tuthill
Mr. Crispell	Mr. Nash	Mr. Van Auken
Mr. Cross	Mr. Noble	Mr. Van Orden
Mr. Culbert	Mr. Pease	Mr. Vincent
Mr. Dodge	Mr. Perley	Mr. Wheaton
Mr. Elderkin	Mr. Quackenboss	Mr. Whittaker
Mr. Elwood	Mr. Richards	Mr. Wilcox
Mr. Fish	Mr. W. H. Robertson	Mr. Wing
Mr. Fiske	Mr. Rose	Mr. Woodruff
Mr. Folger	Mr. Rounseville	

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Those who voted in the negative are,

Mr. Boardman	Mr. Harmon	Mr. Roblee
Mr. Brinkerhoff	Mr. Hart	Mr. A. Robertson
Mr. L. Butts	Mr. Hudson	Mr. Rockwell
Mr. Buxton	Mr. A. Johnson	Mr. St. John
Mr. Campbell	Mr. M. Johnson	Mr. Sexton
Mr. Carver	Mr. Kennedy	Mr. Smalley
Mr. Clark	Mr. McKinney	Mr. L. Ward Smith
Mr. Crittenden	Mr. McLean	Mr. Speaker
Mr. Curtis	Mr. Maine	Mr. Stevens
Mr. Gates	Mr. Mersereau	Mr. Stryker
Mr. A. Gilbert	Mr. Moffatt	Mr. Terry
Mr. Goff	Mr. Picket	Mr. Ward
Mr. Gove	Mr. Porter	Mr. Willard
Mr. Guernsey	Mr. Prescott	Mr. Wisewell
Mr. Hale	Mr. Pruyn	Mr. Young
Mr. Hammond	Mr. Raynor	

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Mr. Fiske moved the House reconsider its vote recommitting the said bill to a select committee with instructions.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the negative.

{ AYES 35 }  
{ NAYS 61 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Guernsey	Mr. Raynor
Mr. Boardman	Mr. Hale	Mr. Rockwell
Mr. L. Butts	Mr. Hudson	Mr. Sexton
Mr. Buxton	Mr. M. Johnson	Mr. Smalley
Mr. Campbell	Mr. Leavenworth	Mr. Stevens
Mr. Carver	Mr. McKinney	Mr. Stryker
Mr. Cornell	Mr. McLean	Mr. Terry
Mr. Crittenden	Mr. Moffatt	Mr. Ward
Mr. Fiske	Mr. Picket	Mr. Whittaker
Mr. Fitzhugh	Mr. Porter	Mr. Willard
Mr. A. Gilbert	Mr. Prescott	Mr. Young
Mr. Goff	Mr. Pruyn	

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Those who voted in the negative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. W. H. Robertson
Mr. Bailey	Mr. Glass	Mr. Rose
Mr. Bogart	Mr. Goddard	Mr. Rounseville
Mr. Boughton	Mr. Gove	Mr. Skeel
Mr. Brinkerhoff	Mr. Graham	Mr. Slocum
Mr. Brewer	Mr. Green	Mr. W. S. Smith
Mr. Bush	Mr. Hall	Mr. Speaker
Mr. Button	Mr. Hammond	Mr. Stevenson
Mr. W. Butts	Mr. Harmon	Mr. Stewart
Mr. Clark	Mr. Kelsey	Mr. Strever
Mr. Crispell	Mr. Kidd	Mr. Sweet
Mr. Cross	Mr. McNeal	Mr. B. Thompson
Mr. Culbert	Mr. Markel	Mr. A. Tuttle
Mr. Curtis	Mr. Marsh	Mr. H. C. Tuthill
Mr. Dodge	Mr. Miller	Mr. Van Auken
Mr. Elderkin	Mr. Pease	Mr. Van Orden
Mr. Elwood	Mr. Perley	Mr. Vincent
Mr. Fish	Mr. Richards	Mr. Wilcox
Mr. Folger	Mr. Roblee	Mr. Wisewell
Mr. Fox	Mr. A. Robertson	Mr. Woodruff
Mr. Gates		

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*Ordered*, That Mr. Rose, Mr. W. S. Smith, Mr. Fiske, Mr. Noble and Mr. Hale be such committee.

Mr. Fiske, from the select committee, to which was referred the bill entitled "An act for the prevention and punishment of prize or concerted fighting," with instructions to report forthwith with certain amendments, reported the bill to the House amended pursuant to instructions.

Mr. Bush moved that the said bill be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bush, and it was determined in the negative.

The said bill was then again read.

Mr. Speaker put the question whether the House would agree to

the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 104 }  
{ NAYS 06 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Gove	Mr. Rockwell
Mr. Ayerill	Mr. Graham	Mr. Rose
Mr. Bailey	Mr. Green	Mr. Rounseville
Mr. Boardman	Mr. Guernsey	Mr. St. John
Mr. Bogart	Mr. Hale	Mr. Sexton
Mr. Boughton	Mr. Hall	Mr. Skeel
Mr. Brinkerhoff	Mr. Hammond	Mr. Slocum
Mr. Brewer	Mr. Harmon	Mr. Smalley
Mr. Budd	Mr. Hart	Mr. L. Ward Smith
Mr. Bull	Mr. Hoyt	Mr. W. S. Smith
Mr. Button	Mr. Hudson	Mr. Speaker
Mr. L. Butts	Mr. A. Johnson	Mr. Stevens
Mr. W. Butts	Mr. M. Johnson	Mr. Stewart
Mr. Buxton	Mr. Kelsey	Mr. Strever
Mr. Campbell	Mr. Kennedy	Mr. Stryker
Mr. Carver	Mr. Kidd	Mr. Sweet
Mr. Clark	Mr. McNeal	Mr. Taylor
Mr. Cornell	Mr. Marsh	Mr. Terry
Mr. Crispell	Mr. Mersereau	Mr. A. Tuttle
Mr. Crittenden	Mr. Miller	Mr. H. C. Tuthill
Mr. Cross	Mr. Moffatt	Mr. Van Auken
Mr. Culbert	Mr. Noble	Mr. Van Orden
Mr. Curtis	Mr. Pardee	Mr. Vincent
Mr. Dodge	Mr. Pease	Mr. Ward
Mr. Elderkin	Mr. Perley	Mr. Wells
Mr. Fiske	Mr. Picket	Mr. Wheaton
Mr. Fitzhugh	Mr. Porter	Mr. Whittaker
Mr. Folger	Mr. Prescott	Mr. Willard
Mr. Fox	Mr. Pruyn	Mr. Wilcox
Mr. Gates	Mr. Quackenboss	Mr. Wing
Mr. A. Gilbert	Mr. Raynor	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Richards	Mr. Woodruff
Mr. Glass	Mr. Roblee	Mr. Young
Mr. Goddard	Mr. A. Robertson	

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Those who voted in the negative are,

Mr. Bush	Mr. Leavenworth	Mr. Stevenson
Mr. Fish	Mr. Maine	Mr. B. Thompson

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The name of Mr. Bush, Mr. Fish and Mr. Maine being called, they asked to be excused from voting.

Mr. Speaker then put the question whether the House would agree to said request, and it was determined in the negative.

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Cornell,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That hereafter and until the further order of this House, the hour of meeting be at 11 o'clock, a. m.

Mr. Noble moved to amend the resolution by striking out "eleven o'clock," and inserting "half past ten o'clock."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Noble, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said resolution, and it was determined in the negative.

{ AYES 37 }  
{ NAYS 60 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Goddard	Mr. Skeel
Mr. Averill	Mr. Green	Mr. Slocum
Mr. Boughton	Mr. Hale	Mr. Smalley
Mr. Bowen	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. Speaker
Mr. Budd	Mr. Kidd	Mr. Stewart
Mr. L. Butts	Mr. Leavenworth	Mr. Stryker
Mr. Campbell	Mr. McKinney	Mr. Terry
Mr. Carver	Mr. Moffatt	Mr. B. Thompson
Mr. Cornell	Mr. Noble	Mr. Van Auken
Mr. Fiske	Mr. W. H. Robertson	Mr. Ward
Mr. Fitzhugh	Mr. Rockwell	Mr. Wing
Mr. L. M. Gilbert		

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Those who voted in the negative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. A. Robertson
Mr. Bailey	Mr. Glass	Mr. St. John
Mr. Boardman	Mr. Graham	Mr. Sexton
Mr. Bogart	Mr. Hall	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Hart	Mr. Stevens
Mr. Bull	Mr. M. Johnson	Mr. Stevenson
Mr. Bush	Mr. Kelsey	Mr. Strever
Mr. Button	Mr. Kennedy	Mr. Sweet
Mr. Buxton	Mr. McNeal	Mr. Taylor
Mr. Crispell	Mr. Maine	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Markel	Mr. Van Orden
Mr. Cross	Mr. Marsh	Mr. Vincent
Mr. Culbert	Mr. Miller	Mr. Wells

Mr. Curtis	Mr. Pardee	Mr. Wheaton
Mr. Dodge	Mr. Pease	Mr. Whittaker
Mr. Elderkin	Mr. Picket	Mr. Willard
Mr. Elwood	Mr. Porter	Mr. Wilcox
Mr. Fish	Mr. Pruyn	Mr. Wisewell
Mr. Folger	Mr. Raynor	Mr. Woodruff
Mr. Gates	Mr. Roblee	Mr. Young

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On motion of Mr. Pruyn,

The House proceeded to the consideration of the concurrent resolution from the Senate, in the words following, to wit:

*Resolved*, (if the Assembly concur,) That the two houses of the Legislature proceed on the 6th day of February next, at 12 o'clock, at noon, to the election of a United States Senator in the place of John A. Dix, whose term of service expires on the 4th of March next.

And the same having been amended by striking out the words, "February next," and inserting the words, "February 1849,"

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have passed the same with amendments.

On motion of Mr. Rockwell,

*Resolved*, That the petitions and other papers on file in this House praying for the passage of an act authorising the appraisal and payment of damages done to the public highway at the great bend in the town of Moreau and county of Saratoga, by the raising of the Glens falls feeder dam, be taken from the files and referred to the committee on claims.

In pursuance of previous notice, Mr. Taylor asked and obtained leave to introduce a bill, entitled "An act to amend an act to incorporate the trustees of the Yorkville school, in the 12th ward of the city of New-York, passed April 2, 1827," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. Sweet asked and obtained leave to introduce a bill, entitled "An act to confirm the official acts of Jesse Rosecrance, a justice of the peace of the town of Candor," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Sweet, and by unanimous consent.

The House then resolved itself into a committee of the whole on said bill, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bogart, from said committee, reported progress and asked for and obtained leave to sit again.

Mr. Sweet presented the petition of Jesse Rosecrance from the town of Candor and others for relief, from the said Rosecrance not having taken and filed his oath of office as such justice, which was



read and referred to the committee of the whole when on the bill upon that subject.

Mr. Van Orden gave notice that he would at an early day ask leave to introduce a bill to extend the term of office of the commissioners on practice and pleadings, from the first day of April 1849, to the first day of April 1850, to enable them to complete the duties confided to them by the Legislature of 1847, made in accordance with the express provisions of the Constitution of this State.

Mr. Graham gave notice of his intention, at some early day to ask leave to introduce a bill to authorise the opening of a certain road in the town of Rosendale, Ulster county.

Mr. Cross gave notice that he would at some future day, ask leave to introduce a bill, entitled "An act to incorporate the Williamsburg Ferry company."

Mr. Skeel gave notice that he would at an early day ask leave to introduce a bill for the construction of a plank road from the village of Homer to the village of Cortland, in the county of Cortland.

Mr. Dodge offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the second report of the commissioners on practice and pleadings, containing amendments to the code of procedure, be committed to the committee on the judiciary.

Mr. Willard moved to strike out all after the word "Resolved," and insert the words "That the second, third and fourth reports of the commissioners on practice and pleadings be referred to the committee of the whole."

Mr. W. S. Smith moved that the said resolution be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the affirmative.

Mr. B. Thompson gave notice that he would at an early day introduce a bill to amend an act, entitled "An act to incorporate the Buffalo Savings Bank," passed May 9, 1846.

Mr. Boughton gave notice that he would at an early day ask leave to introduce a bill to provide for the establishment of a free school in the town of Gravesend, Kings co.,

On motion of Mr. Cross,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the Secretary of State be requested to communicate to the Legislature, whether in his opinion, it is desirable to appoint, on the part of the State, three trustees of the New-York Institute for the Blind.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Noble asked and obtained leave to introduce a bill, entitled "An act to amend the Revised Statutes, in relation to criminal convictions, and the removal thereof, and granting new trials therein," which was read the first time, and by

unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Vincent asked and obtained leave to introduce a bill, entitled "An act to amend an act relating to the New-York and Harlem Railroad company, passed May 7, 1840, and the acts amendatory of the same;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Cross asked and obtained leave to introduce a bill, entitled "An act relative to common schools in the city of Brooklyn," which was read the first time and by unanimous consent was also read a second time and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. B. Thompson asked and obtained leave to introduce a bill, entitled "An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes;" which was read the first time and by unanimous consent was also read a second time and referred to the committee on the judiciary.

The House then again resolved itself into a committee of the whole on the bill entitled "An act to incorporate the Life Saving Benevolent Association of New-York," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Carver from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments.

Mr. Cornell moved to amend the report of the committee of the whole by striking out the tenth section as follows:

§ 10. The managers shall be individually responsible for the cost of all the life boats which they may purchase or contract for, and for the salaries and wages of all persons employed by them in their corporate capacity.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

{ AYES 51 }  
{ NAYS 45 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Noble
Mr. H. J. Allen	Mr. Folger	Mr. Porter
Mr. Beekman	Mr. A. Gilbert	Mr. Quackenboss
Mr. Boardman	Mr. Goff	Mr. Raynor
Mr. Boughton	Mr. Graham	Mr. W. H. Robertson
Mr. Brinkerhoff	Mr. Green	Mr. Rockwell
Mr. Brewer	Mr. Hale	Mr. St. John
Mr. Budd	Mr. Harmon	Mr. W. S. Smith
Mr. Bull	Mr. Hudson	Mr. Speaker
Mr. L. Butts	Mr. M. Johnson	Mr. J. E. Thompson

Mr. Campbell	Mr. Kennedy	Mr. H. C. Tuthill
Mr. Clark	Mr. Kidd	Mr. Van Orden
Mr. Cornell	Mr. Leavenworth	Mr. Varnum
Mr. Crittenden	Mr. McLean	Mr. Ward
Mr. Culbert	Mr. Markel	Mr. Wells
Mr. Curtis	Mr. Marsh	Mr. White
Mr. Fish	Mr. Moffatt	Mr. Woodruff

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Those who voted in the negative are,

Mr. Bowen	Mr. Mersereau	Mr. Skeel
Mr. Button	Mr. Miller	Mr. Stevens
Mr. Carver	Mr. Mowry	Mr. Stevenson
Mr. Crispell	Mr. Nash	Mr. Stewart
Mr. Cross	Mr. Pardee	Mr. Strever
Mr. Disosway	Mr. Pease	Mr. Stryker
Mr. Fitzhugh	Mr. Perley	Mr. Sweet
Mr. Gates	Mr. Picket	Mr. B. Thompson
Mr. Glass	Mr. Prescott	Mr. A. Tuttle
Mr. Hall	Mr. Pruyn	Mr. Van Auker
Mr. Hoyt	Mr. Richards	Mr. Vincent
Mr. Kelsey	Mr. A. Robertson	Mr. Wheaton
Mr. McKinney	Mr. Rose	Mr. Wilcox
Mr. McNeal	Mr. Rounseville	Mr. Wisewell
Mr. Maine	Mr. Sexton	Mr. Young

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Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole as amended, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent,

The engrossed bill entitled "An act to incorporate the Life Saving Benevolent association of New-York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 102 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Quackenboss
Mr. H. J. Allen	Mr. Goff	Mr. Raynor
Mr. Beekman	Mr. Graham	Mr. Richards
Mr. Boardman	Mr. Green	Mr. Roblee
Mr. Bogart	Mr. Guernsey	Mr. A. Robertson
Mr. Boughton	Mr. Hale	Mr. W. H. Robertson
Mr. Bowen	Mr. Hall	Mr. Rockwell
Mr. Brinkshoff	Mr. Hammond	Mr. Rounseville
Mr. Brewer	Mr. Harmon	Mr. St. John
Mr. Budd	Mr. Hoyt	Mr. Sexton

Mr. Bull	Mr. Hudson	Mr. Skeel
Mr. Bush	Mr. A. Johnson	Mr. W. S. Smith
Mr. Button	Mr. M. Johnson	Mr. Speaker
Mr. L. Butts	Mr. Kelsey	Mr. Stevens
Mr. Buxton	Mr. Kennedy	Mr. Stevenson
Mr. Campbell	Mr. Kidd	Mr. Stewart
Mr. Carver	Mr. Leavenworth	Mr. Strever
Mr. Clark	Mr. McKinney	Mr. Terry
Mr. Cornell	Mr. McLean	Mr. B. Thompson
Mr. Crispell	Mr. McNeal	Mr. J. E. Thompson
Mr. Crittenden	Mr. Maine	Mr. A. Tuttle
Mr. Cross	Mr. Markel	Mr. H. C. Tuthill
Mr. Culbert	Mr. Marsh	Mr. Van Auken
Mr. Curtis	Mr. Miller	Mr. Van Orden
Mr. Disosway	Mr. Moffatt	Mr. Varnum
Mr. Elderkin	Mr. Nash	Mr. Vincent
Mr. Elwood	Mr. Noble	Mr. Ward
Mr. Fish	Mr. Pardee	Mr. Wells
Mr. Fiske	Mr. Pease	Mr. Wheaton
Mr. Folger	Mr. Perley	Mr. Whittaker
Mr. Fox	Mr. Picket	Mr. Wilcox
Mr. Gates	Mr. Pierce	Mr. Wisewell
Mr. A. Gilbert	Mr. Porter	Mr. Woodruff
Mr. Glass	Mr. Prescott	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Cornell,

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate entitled "An act to provide for filling vacancies in office," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Varnum from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

The engrossed bill from the Senate entitled "An act to provide for filling vacancies in office," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 104 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Guernsey	Mr. Rockwell
Mr. Averill	Mr. Hale	Mr. Rose
Mr. Beekman	Mr. Hall	Mr. Rounseville

Mr. Boardman	Mr. Hammond	Mr. St. John
Mr. Bogart	Mr. Harmon	Mr. Sexton
Mr. Bowen	Mr. Hoyt	Mr. Skeel
Mr. Brinkerhoff	Mr. Hudson	Mr. Slocum
Mr. Brewer	Mr. A. Johnson	Mr. W. S. Smith
Mr. Budd	Mr. M. Johnson	Mr. Speaker
Mr. Bull	Mr. Kelsey	Mr. Stevens
Mr. Bush	Mr. Kennedy	Mr. Stevenson
Mr. Button	Mr. Kidd	Mr. Stewart
Mr. L. Butts	Mr. Leavenworth	Mr. Strever
Mr. Buxton	Mr. McKinney	Mr. Stryker
Mr. Campbell	Mr. McNeal	Mr. Sweet
Mr. Carver	Mr. Maine	Mr. Terry
Mr. Clark	Mr. Markel	Mr. J. E. Thompson
Mr. Cornell	Mr. Marsh	Mr. A. Tuttle
Mr. Crispell	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Miller	Mr. Van Auken
Mr. Cross	Mr. Mowry	Mr. Van Orden
Mr. Culbert	Mr. Pardee	Mr. Varnum
Mr. Curtis	Mr. Pease	Mr. Vincent
Mr. Disosway	Mr. Perley	Mr. Ward
Mr. Elderkin	Mr. Picket	Mr. Wells
Mr. Fiske	Mr. Pierce	Mr. Wheaton
Mr. Folger	Mr. Porter	Mr. White
Mr. Gates	Mr. Prescott	Mr. Whittaker
Mr. A. Gilbert	Mr. Pruyn	Mr. Willard
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wilcox
Mr. Glass	Mr. Raynor	Mr. Wisewell
Mr. Goddard	Mr. Richards	Mr. Woodruff
Mr. Goff	Mr. Roblee	Mr. Young
Mr. Graham	Mr. A. Robertson	

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

And then, at 2 o'clock p. m.,

On motion of Mr. Goff,

The House adjourned.

## SATURDAY, FEBRUARY 3, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Garnett.

The minutes of yesterday were read and approved.

Mr. Slocum presented the petition of sundry citizens of Syracuse, praying for the passage of a law equalizing and increasing the pay of the officers of the salt works at that place, which was read and referred to the committee on grievances.

Mr. Mersereau presented the petition of sundry inhabitants of the county of Steuben, praying for the erection of a new county from territory to be taken from said county, and remonstrating against the erection of a new county from Steuben and Allegany, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Elderkin presented the petition of the trustees of Potsdam, St. Lawrence co., praying for an amendment of their village charter, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Bush presented the petition of E. Young and others, of Sullivan co., for the passage of a law to annex part of the town of Rockland to the town of Liberty in said county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Bush presented the petition of sundry inhabitants of Sullivan co., praying for the passage of a law providing for the sale of lands for taxes in the counties in which they are situated, which was read and referred to the select committee on that subject.

Mr. Stevenson and Brinkerhoff presented two several memorials of S. Hendrick, David S. Skaats and others, of Seneca and Cayuga counties, praying for a law to consolidate the several railroad companies between Albany and Buffalo, into a single corporation, which were read and referred to the committee on railroads.

Mr. W. H. Robertson presented the petition of sundry inhabitants of the county of Westchester, praying for the establishment of free schools in Sing Sing, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Skeelee presented the petition of sundry citizens of Homer and other towns, in Cortland co., praying for a special law to construct a plank road from the village of Homer to the village of Cortlandville, which was read and referred to the committee on roads and bridges.

Mr. Button presented the petition of 58 inhabitants of Mentz, Cayuga co., praying for the passage of a land limitation law, which was read and referred to the select committee on that subject.

Mr. Averil presented the petition of 50 citizens of Montgomery co., against the repeal of the law concerning the arrival of passengers at ports of entry in this state, passed Dec. 10, 1848, which was read and laid upon the table.

Mr. Strever presented the petition of sundry inhabitants of the towns of Livingston, Gallatin, and Taghkanic, in Columbia co., praying for the erection of a school district, which was read and referred to a select committee.

*Ordered*, Mr. Strever, Mr. Curtis, Mr. Pruyn, Mr. Wheaton, and Mr. Maine be such committee.

Mr. Button presented the petition of 65 inhabitants of Port Byron, Cayuga co., praying for the passage of the homestead exemption law, which was read and referred to the select committee on that subject.

Mr. Elderkin, Mr. Picket, and Mr. Goddard presented several petitions of sundry inhabitants of St. Lawrence co., for a law authorising the construction of a bridge across the outlet of Lake Champlain, which were referred to the select committee on that subject.

Mr. Carver presented the remonstrance of sundry inhabitants of Clinton co., against any law authorising the construction of a bridge across the navigable waters of Lake Champlain at Rouses Point, which was read and referred to the select committee on that subject.

Mr. Whittaker and Mr. J. E. Thompson presented four several petitions of sundry inhabitants of the counties of Broome, Delaware, Tompkins, and Chenango, praying for the erection of a new county from parts of Broome, Delaware, Chenango, and Otsego, to be called the county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Boughton presented the petition of C. H. Greenleaf and 67 other inhabitants of Kings co., praying for a law to establish free schools in that town, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Guernsey presented the resolution of the board of supervisors of Chautauque co., for the passage of a law to provide for the election of two local officers to discharge the duties of county judge and surrogate, and to exercise such other powers in special cases as may be provided by law, which was read and referred to the committee on the judiciary.

Messrs. Button, Speaker, Slocum and L. Ward Smith presented six several petitions of inhabitants of the counties of Cayuga, Rensselaer, and Jefferson praying for a limitation of the hours of labor to ten hours per day, which were read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Strever, Hammond, and Bailey presented six several remonstrances against the passage of any law to restrain fishing in the Hudson river, which were read and referred to the select committee on that subject.

Mr. Danforth presented three several petitions of inhabitants of Schoharie co., for a law authorising the Western Branch of the Schoharie Turnpike Road company to abandon a part of their road, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bagley presented the remonstrance of 319 inhabitants of the town of Lyme, Jefferson co., against a division of said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. L. Ward Smith presented the remonstrance of citizens of Rochester against the passage of any act abolishing the mayor's court of that city, which was read and referred to the committee on the judiciary.

Mr. L. Ward Smith presented the petition of justices of the supreme court and members of the bar of the Seventh Judicial District for an act authorising the library of the late Chancellor, or one of the State law libraries to be deposited and kept in Rochester for the

use of the court, which was read and referred to the committee on the judiciary.

Mr. Stewart presented two several petitions of J. Doxtader, S. Jordan and W. Johnson and others of the Orchard party of the Oneida Indians, praying for relief from the sale of lands, under treaty of June 25, 1842, which were read and referred to the committee on Indian affairs.

Mr. Fitzhugh presented the petition of inhabitants of Oswego co., for a law to raise money by tax to purchase and improve the bridge owned by the Oswego Falls Bridge company, and make the same free, which was read and referred to the committee on roads and bridges.

Mr. L. M. Gilbert presented seven several remonstrances of inhabitants of Cherry Valley, Otsego co., against the division of said town which were read and referred to the committee on the erection and division of towns and counties.

Mr. Goddard presented the remonstrance of L. Miller and fifty other inhabitants of Louisville, St. Lawrence co., against any law annexing part of Louisville to the town of Massena in said county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Sweet from the committee on the judiciary, to which was referred the petition of Gilbert Smith for relief in relation to the old stock of the New-York and Erie Railroad company, reported and asked and obtained leave to introduce a bill, entitled "An act to authorise Gilbert Smith to surrender his old stock of the New-York and Erie railroad and to receive new stock therefor;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Auburn Savings Institution;" reported that the committee had examined the said bill and saw no reason why the same, should not be passed into a law.

• *Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Hale from the committee on claims to which was referred the petition of Aaron Knapp for relief from damages sustained by the construction of the Leland pond reservoir; reported against the prayer of the petitioner and asked to be discharged from the further consideration of said petition.

(*See Doc. No. 68.*)

Mr. Maine moved that said petition be recommitted to the committee on claims, with instructions to bring in a bill in accordance with the prayer of the petitioner.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Maine, and it was determined in the affirmative.

Mr. Averill from the committee on roads and bridges to which was



referred the petition of inhabitants of Homer, Cortland co., for a special law to build a plank road from the village of Homer to the village of Cortland, reported and asked and obtained leave to bring in a bill, entitled "An act to provide for constructing a plank road from the village of Homer to the village of Cortland," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Ward from the committee on claims, to which was referred the petition of Mathew S. Pitcher for an appraisement of damages to lands, caused by the construction of the Champlain canal, reported against the prayer of the petitioner and asked to be discharged from the further consideration of the same.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

*(See Doc. No. 70.)*

Mr. Hale from the committee on claims to which was referred the petition of Henry Rector for relief from damages sustained by him in the erection of the new State hall, reported a state of facts in writing, and asked to be discharged from the further consideration of the said petition.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bill, entitled as follows:

"An act to incorporate the Life Savings Benevolent Association of New-York;"

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

Mr. Bush, from the committee on the petitions of aliens, to which was referred the petition of Susan Darrah, for the release by the state of the property of which David Darrah died possessed, reported, and asked and obtained leave to bring in a bill, entitled "An act to release the interest of the state in certain lands of which David Darrah died possessed to Susan Darrah, his wife;" which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole.

Mr. Bowen from the select committee to which was referred the petition of the mayor, aldermen and commonalty of the city of New-York, for a law to extend the Croton water works, reported, and asked and obtained leave to bring in a bill, entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York to extend the Croton water works;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bowen, from the select committee, to which was referred the memorial of the mayor, aldermen and commonalty of the city of New-York, for an amendment of the charter of said city, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend the charter of the city of New-York," which was read the first

time and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Rose, from the select committee, to which was referred the petition of sundry inhabitants of Brookhaven, Suffolk co., for a law to regulate eel fishing in the South Bay in said town, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Bailey, from the select committee, to which was referred the resolution directing them to examine and report in relation to the State Library and Assembly Library, reported in writing.

(*See Doc. No. 67.*)

*Ordered*, That the said report be laid upon the table.

Mr. Cornell, from the joint select committee of conference, to which was referred the matter of difference between the two Houses on the amendments of the House to the bill from the Senate, entitled "An act to amend an act to incorporate the American Baptist Home Mission Society, passed April 12, 1843," reported, and recommended that the Assembly pass the bill, striking out the word "whatsoever" and inserting "whomsoever," and striking out the words "hereafter to be made," in the first section of the bill.

Mr. Speaker put the question whether the House would agree to the report of the committee and pass the bill accordingly, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 104 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. Roblee
Mr. H. J. Allen	Mr. Gove	Mr. A. Robertson
Mr. Averill	Mr. Graham	Mr. W. H. Robertson
Mr. Bagley	Mr. Green	Mr. Rockwell
Mr. Bailey	Mr. Guernsey	Mr. Rose
Mr. Beekman	Mr. Hall	Mr. Rouseville
Mr. Boardman	Mr. Hammond	Mr. St. John
Mr. Bogart	Mr. Harmon	Mr. Sexton
Mr. Boughton	Mr. Hoyt	Mr. Skeel
Mr. Boyce	Mr. Hudson	Mr. Slocum
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Smalley
Mr. Brewer	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Budd	Mr. Kelsey	Mr. W. S. Smith
Mr. Bull	Mr. Kennedy	Mr. Speaker
Mr. Bush	Mr. Kidd	Mr. Stevenson
Mr. L. Butts	Mr. Leavenworth	Mr. Stewart

Mr. Buxton	Mr. McKinney	Mr. Sweet
Mr. Campbell	Mr. McLean	Mr. Terry
Mr. Carver	Mr. McNeal	Mr. B. Thompson
Mr. Clark	Mr. Maine	Mr. J. E. Thompson
Mr. Cornell	Mr. Markel	Mr. A. Tuttle
Mr. Crispell	Mr. Marsh	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Mersereau	Mr. Van Orden
Mr. Cross	Mr. Moffatt	Mr. Varnum
Mr. Culbert	Mr. Mowry	Mr. Vincent
Mr. Danforth	Mr. Nash	Mr. Ward
Mr. Disosway	Mr. Noble	Mr. Wells
Mr. Elderkin	Mr. Pardee	Mr. Wheaton
Mr. Elwood	Mr. Pease	Mr. Whittaker
Mr. Fitzhugh	Mr. Perley	Mr. Willard
Mr. Gates	Mr. Picket	Mr. Wilcox
Mr. A. Gilbert	Mr. Pierce	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Porter	Mr. Woodruff
Mr. Glass	Mr. Pruyn	Mr. Young
Mr. Goddard	Mr. Richards	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have agreed to said report, and passed the bill accordingly.

Mr. Hale from the committee on claims to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Zebulon Moore," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

A message from the Governor, was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, February 2, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bills entitled as follows:

"An act to designate the place of holding the next annual town meeting in the town of Seward, in the county of Schoharie;"

"An act to amend the charter of the Washington Monument Association of the city of New-York;"

#### HAMILTON FISH.

The annual report of the Brooklyn Savings Bank, was received and referred to the committee on banks and insurance companies.

The annual report of the Dry Dock Savings Institution in the city of New-York, was received and referred to the committee on banks and insurance companies.

A communication from the Comptroller, in answer to a resolution of this House, passed Jan. 26, in relation to the expenses on account of the commissioners on practice and pleadings and the commissioners on the code, was received and laid upon the table.

(See Doc. No. 69.)

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to incorporate the New-York Floating Dry Dock Company," passed April 18, 1843, which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on commerce and navigation.

"An act authorising a loan from the common school fund to the county of Orleans," which was read the first time and by unanimous consent was also read a second time, and referred to the committee on ways and means.

"An act to authorise the Comptroller to issue registered notes in lieu of unregistered ones in certain cases," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A message from the Senate was received and read, informing that they had passed without amendment the bill therewith returned, entitled "An act authorising the comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleecker; for the year 1847."

*Ordered*, That the Clerk deliver the said bill to the Governor.

Mr. Goff moved that the House proceed to the consideration of the resolution offered yesterday by Mr. Dodge, referring the second report of the commissioners on practice and pleadings to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Goff, and it was determined in the negative.

Mr. Cross gave notice that he would at an early day ask leave to bring in a bill entitled "An act to authorise certain owners of real estate on the Wallabout Bay, in the city of Brooklyn, to construct wharves in front of their lands, and to fill the same."

Mr. Markel gave notice that he would ask leave to introduce a bill at some future day to amend the fifty-first section of title first, article third, chapter sixteen, part first of the Revised Statutes, so as to authorise the several town clerks in the state to administer oaths to overseers of highways, on return of their road warrants, the same as commissioners of highways are now authorised to do.

Mr. L. Ward Smith offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Canal Commissioners be requested to report at their earliest convenience, an estimate of the expense of bringing into use one set of enlarged locks on the Erie canal, from Syracuse to Buffalo, exclusive of the work now under contract for that purpose.

*Ordered*, That the said resolution be laid upon the table.

Mr. Danforth gave notice that he would at an early day ask leave to introduce a bill designating the place for holding the next town meeting in the town of Broome, in the county of Schoharie.

On motion of Mr. Graham,

*Resolved*, That the resolution heretofore offered by Mr. Hoyt in relation to presenting a sword to Brig. Gen. M. G. Belknap and to

Col. James Duncan, be referred to the committee on militia and public defence.

In pursuance of previous notice, Mr. Moffatt asked and obtained leave to introduce a bill, entitled "An act to reduce the rate of interest," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

In pursuance of previous notice Mr. B. Thompson asked for and obtained leave to bring in a bill entitled "An act to amend an act to incorporate the Buffalo Savings Bank, passed May 9, 1846," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice Mr. Brinkerhoff asked for and obtained leave to bring in a bill entitled "An act to amend an act to subject monied or stock corporations to assessments for highway labor, passed May 15, 1837," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on roads and bridges.

In pursuance of previous notice Mr. L. Ward Smith asked for and obtained leave to bring in a bill entitled "An act to amend an act providing for the improvement of Conesus Lake as a reservoir to supply the Genesee Valley and Erie canals with water, passed April 12, 1848," which was read and referred to the committee on canals.

Mr. Nash gave notice of his intention at some future day to bring in a bill to prohibit the several railroads between Albany and Buffalo from carrying freight during the season of canal navigation.

Mr. Sweet gave notice that he would at an early day ask leave to introduce a bill conferring all the powers heretofore vested in the Vice Chancellors of this state upon the justices of the supreme court.

Mr. Bailey gave notice of his intention at an early day to introduce a bill to provide for the erection of a fire proof building for the state library, and also to provide for the better accommodation of the Assembly library.

On motion of Mr. Boughton,

*Resolved*, That the concurrent resolution heretofore offered by him in relation to presenting a sword to Col. Ward B. Burnett, &c., be referred to the committee on the militia and public defence.

On motion of Mr. W. S. Smith,

The House proceeded to the consideration of the resolution heretofore offered by Mr. Disosway in relation to the emigrant law, and the same having been amended to read as follows:

*Resolved*, That a committee be appointed to examine and report whether any, and if any, what reversion or amendments are necessary in the emigrant law, passed at the last session of the Legislature, so that the emigrants fleeing from the oppression of Europe, may be better protected from frauds and imposition than they now are:

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. W. S. Smith,

*Resolved*, That the report of the commissioners of emigration now on the table be referred to the select committee on that subject, appointed under the preceding resolution.

The House then resolved itself into a committee of the whole on the bills, entitled as follows:

"An act to amend an act entitled 'An act to provide for the election of county treasurers and fix their term of office.'"

"An act to declare the validity of the election of Ebenezer W. Peck, as county treasurer of the county of Kings."

And after some time spent thereon, Mr. Speaker resumed the chair and Mr. Maine from said committee, reported that the committee had gone through the said bills and altered the title of the last mentioned bill so as to read "An act to declare the validity of the election of Ebenezer W. Peck, as county treasurer of the county of Kings, and fix his term of office," which report was agreed to.

*Ordered*, That the said bills be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act authorising the construction of a farm bridge over the Chemung canal feeder," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Boardman from said committee reported progress.

Mr. L. Ward Smith moved the said bill be recommitted to the committee on canals.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled "An act to repeal the act entitled 'An act to change the name of the corporation of the trustees of the fund of the Genesee conference,' passed March 24, 1839, and for other purposes," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Boyce, from said committee, reported that the committee had gone through said bill, and altered the title so as to read "An act to incorporate the trustees of the funds of the Oneida annual conference, and to repeal the act entitled 'An act to change the name of the corporation of the trustees of the fund of the Genesee conference, passed March 24, 1839, and for other purposes,'" which report was agreed to.

*Ordered*, That the said bill be read a third time.

By unanimous consent the said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 104 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Guernsey	Mr. Rockwell
Mr. Bagley	Mr. Hale	Mr. St. John
Mr. Beekman	Mr. Hall	Mr. Sexton
Mr. Boardman	Mr. Harmon	Mr. Skeel
Mr. Bogart	Mr. Hoyt	Mr. Slocum

Mr. Boughton	Mr. Hudson	Mr. Smalley
Mr. Bowen	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Boyce	Mr. M. Johnson	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Kelsey	Mr. Speaker
Mr. Bull	Mr. Kennedy	Mr. Stevens
Mr. Bush	Mr. Kidd	Mr. Stevenson
Mr. Button	Mr. Leavenworth	Mr. Stewart
Mr. L. Butts	Mr. McKinney	Mr. Strever
Mr. W. Butts	Mr. McLean	Mr. Stryker
Mr. Buxton	Mr. McNeal	Mr. Sweet
Mr. Carver	Mr. Maine	Mr. Taylor
Mr. Cornell	Mr. Markel	Mr. Terry
Mr. Crittenden	Mr. Marsh	Mr. B. Thompson
Mr. Cross	Mr. Mersereau	Mr. J. E. Thompson
Mr. Culbert	Mr. Moffatt	Mr. A. Tuttle
Mr. Curtis	Mr. Nash	Mr. H. C. Tuthill
Mr. Danforth	Mr. Noble	Mr. Van Orden
Mr. Disosway	Mr. Pardee	Mr. Varnum
Mr. Dodge	Mr. Pease	Mr. Vincent
Mr. Elderkin	Mr. Perley	Mr. Ward
Mr. Fitzhugh	Mr. Picket	Mr. Wells
Mr. Gates	Mr. Porter	Mr. Wheaton
Mr. A. Gilbert	Mr. Prescott	Mr. Whittaker
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Willard
Mr. Glass	Mr. Quackenboss	Mr. Wilcox
Mr. Goddard	Mr. Raynor	Mr. Wisewell
Mr. Goff	Mr. Richards	Mr. Woodruff
Mr. Gove	Mr. Roblee	Mr. Young
Mr. Graham	Mr. A. Robertson	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same with amendments.

The House then resolved itself into a committee of the whole on the bill entitled "An to amend an act to provide for building a court house in the county of Madison, passed April 11, 1848," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hall from said committee, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to change the place of meeting of the board of supervisors of the county of Ulster, and to amend the Revised Statutes in relation thereto," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Kidd from said committee, reported that the committee had gone through said bill, and amended the same so as to read "An act to fix the place of meeting of the board of supervisors of the county of Ulster," which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act authorising the supervisors of the county of Chemung to loan money and build a jail and keeper's residence," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Stevens from said committee, reported that the committee had gone through said bill, and amended the title so as to read "An act authorising the supervisors of the county of Chemung to borrow money to build a jail and keeper's residence," which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

On motion of Mr. Mersereau, and by unanimous consent,

*Resolved*, (if the Senate concur,) That on Tuesday, the sixth day of February instant, at one o'clock, or immediately after the election of United States Senator, the two Houses of the Legislature will proceed to elect by joint ballot, a person to fill the vacancy in the office of Comptroller, which will be occasioned by the resignation of Millard Fillmore; and immediately thereafter, they will in like manner proceed to elect a person to fill the vacancy in the office of Regent of the University, occasioned by the death of the late Elisha Jenkins.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A message from the Senate was received and read, informing that they had concurred in the amendments of the Assembly to the resolution in relation to the election of U. S. Senator, and amended the same accordingly.

By unanimous consent,

The House then resolved itself into a committee of the whole on the bill entitled "An act authorising the Canal Board to hear and determine the claim of Washington Thurman, Warren Mills and Benjamin A. Towner, for damages sustained by them in the sinking of a canal boat," and after some spent thereon, Mr. Speaker resumed the chair, and Mr. Moffatt from said committee, reported progress, and asked for and obtained leave to sit again.

The House then again resolved itself into a committee of the whole on the bill entitled "An act for the licensing and government of the pilots of the port of New-York by the way of Sandy Hook," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. M. Johnson, from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise the appraisal and payment of canal damages to John King," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Beekman from said committee, reported that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Leave of absence was asked for Mr. White for four days.

Mr. Speaker then put the question whether the House would grant said request, and it was determined in the negative.



The House then resolved itself into a committee of the whole on the bill entitled "An act to incorporate the Genesee University," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Rose from said committee, reported, that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

And then at 2½ o'clock, p. m.,

On motion of Mr. Buxton,  
The House adjourned.

## MONDAY, FEBRUARY 5, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Kennedy.

The minutes of Saturday were read and approved.

Mr. Pruyn presented the memorial of the mayor, aldermen and commonalty of Albany, for the passage of a law to authorise the discontinuance of Diagonal-street in said city, which was read and referred to the committee on the incorporation of cities and villages.

Mr. W. S. Smith presented a resolution of school district No. 12, in Oyster Bay, Queens co., asking for free schools, which was read and referred to the committee on colleges, academies and common schools.

Messrs. Pruyn and Bagley presented two several petitions of inhabitants of Jefferson co., for a law limiting the hours of daily labor to ten, which were read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Danforth and Guernsey presented two several petitions of inhabitants of the counties of Schoharie and Chautauque, for a law to provide for the advertisement and sale of lands upon which taxes are not paid in the counties in which they are located, which were read and referred to the select committee upon that subject.

Mr. J. E. Thompson presented the petition of 75 inhabitants of Tompkins co., for a law to form a new county from parts of Delaware, Broome, Chenango, and Otsego counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Boughton presented the remonstrance of 59 taxable inhabitants of the old town of Flatbush, against the proposed new road from Gravesend to Brooklyn, which was read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Pickett and Goddard presented two several petitions of inhabitants of St. Lawrence co., for authority to construct a bridge across the outlet of Lake Champlain, which were read and referred to the select committee upon that subject.

Mr. Markel presented two several remonstrances of J. D. Wintersteen, J. H. Hunt and 255 other inhabitants of Seneca county.

against annexing the town of Covert or any part thereof to the county of Tompkins, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Guernsey presented the petition of inhabitants of Chautauque co., for a law making the expense of supporting criminal jurisdiction over the Indians and their several reservations in Western New-York, chargeable to the State or to the Indian fund now in the hands of the State, which was read and referred to the committee on Indian affairs.

Mr. Woodruff presented the petition of inhabitants of Wayland, Steuben co., praying for the erection of a new county from parts of the counties of Livingston, Allegany and Steuben, with the county site at the village of Dansville, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Elderkin presented the remonstrance of 44 inhabitants of Louisville, St. Lawrence co., against annexing part of said town to Massena, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Elderkin presented the petition of the directors of the St. Lawrence County Mutual Insurance company, praying for an amendment of their charter, which was read and referred to the committee on banks and insurance companies.

Mr. Woodruff presented the petition of inhabitants of school district No. 3, in North Dansville, Livingston co., praying to be excluded from the free school law for said town, which was read and referred to the committee on colleges, academies and common schools.

Mr. Bellinger presented the petition of the trustees of school district No. 1, in the town of German Flatts, Herkimer co., for a law to authorise them to borrow money to build a school house, which was read and referred to the committee on colleges, academies and common schools.

Mr. Bailey presented the memorial of citizens of Westchester co., for a law to equalize representation in the boards of supervisors, which was read and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Bailey,

*Ordered*, That the said memorial be printed.

Mr. Brinkerhoff presented the petition of inhabitants of Cayuga co., for a law declaring the public utility of a railroad from Auburn to Binghamton, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Averill presented two several petitions of sundry citizens of Canajoharie, Montgomery co., for an act annexing a part of said town of Canajoharie to the town of Minden; also certain affidavits on the same subject, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Carver presented the remonstrance of sundry inhabitants of Clinton co., against injury to commerce, farming lands and mill privileges by bridging Lake Champlain at Rouse's Point, which was read and referred to the select committee on that subject.

Mr. Hammond presented two several remonstrance of 234 inhabitants of Rhinebeck, Dutchess co., against the passage of any law to restrain fishing in the Hudson river, which were read and referred to the select committee on that subject.

Mr. Gates presented the petition of sundry inhabitants of the county of Jefferson, praying for a law limiting the quantity of land to be held by any one person, which was read and referred to the select committee on that subject.

Mr. Rose presented the petition of J. C. Chapman and others, inhabitants of Southhold, Suffolk co., praying for a law authorising the commissioners of highways of said town to lay out a certain road in the village of Greenport, which was read and referred to the committee on roads and bridges.

Mr. L. M. Gilbert presented two several remonstrances of sundry inhabitants of Delaware co., against the erection of any new county to include any portion of said county of Delaware, which were read, and referred to the committee on the erection and division of towns and counties.

Mr. Hale presented four several petitions of sundry inhabitants of the counties of Allegany and Steuben, praying for the erection of a new county from parts of said counties of Steuben and Allegany, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Brinkerhoff presented the remonstrance of 100 or more inhabitants of the city of Auburn, against any amendment to their city charter in relation to common schools, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Pruyn presented the petition of sundry inhabitants of Watertown, Jefferson co., praying for the passage of a law exempting the homestead from alienation for debts, which was read and referred to the select committee on that subject.

Mr. Mersereau presented the memorial of sundry inhabitants of Addison, Steuben co., for the erection of a new county out of the said county of Steuben, to be called Canisteo, and a remonstrance of the same inhabitants against any other divisions, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Skeele presented the memorial of the Central College in Cortland co., asking the state to establish in said institution a professorship of agricultural science, which was read and referred to the committee on agriculture.

Mr. Pruyn, from the committee on colleges, academies and common schools, to which was referred the petition of Jesse A. Auckinbaugh, for the incorporation of a seminary of education under the name of the college of the Sacred Heart, reported, and asked and obtained leave to bring in a bill, entitled "An act to incorporate a seminary of education under the name of the college of the Sacred Heart;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Hale, from the committee on claims, to which was referred the petition of Aaron Knapp for canal damages, with instructions to report a bill in accordance with the prayer of the petitioner, reported, and brought in a bill entitled "An act for the reappraisal of the damages of Aaron Knapp in the construction of the Leland Pond reservoir;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Hale, from the committee on claims, to which was referred the petition of Amos H. King and James H. King, for relief from damages in the construction of the Erie canal, reported, and asked and obtained leave to bring in a bill, entitled "An act authorising the settlement of the claim of Amos B. King and James H. King, assignees of Wm. B. King, for work done on the Erie canal enlargement and for materials furnished by them;" which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

(See Doc. No. 75.)

Mr. Hammond, from the committee on public lands, to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Nathaniel Mather," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Averill from the committee on roads and bridges to which was referred the bill entitled "An act to amend an act to subject moaid or stock corporations to assessments for highways, passed May 15, 1837," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Slocum, from the committee on the manufacture of salt, to which was referred the petition of Thomas Wheeler and other heirs of John Jacob Mang, for relief from damages by reason of the taking of a part of salt lot No. 7, in Salina, by the state, reported, and asked and obtained leave to bring in a bill, entitled "An act to provide for the settlement of the claim of the estate of John Jacob Mang for land taken by the state;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Brewer, from the committee on state prisons, to which was referred the petition of Jesse Hoyt and others, guards at Sing Sing state prison, for an increase of salary, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act for better regulation of the county and state prisons of the state, and consolidating and amending the existing laws in relation thereto, passed Dec. 14, 1847;" which was read the first time, and by unani-

meus consent was also read the second time, and committed to the committee of the whole.

Mr. Rose, from the select committee, to which was referred the petition of sundry inhabitants of South Hampton for a law regulating eel fishing in the bays of said town, reported, and asked and obtained leave to bring in a bill, entitled "An act to regulate eel fishing in the waters of Mecox Bay in the town of South Hampton, in the county of Suffolk;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Harmon from the committee on charitable and religious societies to which was referred the bill entitled "An act to amend an act to incorporate the Brooklyn City Hospital, passed May 8, 1845," reported that the committee had examined the said bill and saw no reason why the same, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows:

"An act to amend an act entitled 'An act to provide for the election of county treasurers and fix their term of office;'"

"An act to incorporate the Genesee College;"

"An act to fix the place of meeting of the board of supervisors of the county of Ulster;"

"An act to declare the validity of the election of Ebenezer W. Peck, as county treasurer and fix his term of office;"

"An act to authorize the appraisal and payment of canal damages to John King;"

"An act authorising the supervisors of the county of Chemung to borrow money to build a jail and keeper's residence;"

"An act to amend an act to provide for building a court house in the county of Madison, passed April 11, 1848;"

And found the same correctly engrossed.

*Ordered*, That the said bills be read a third time.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, Feb. 3, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed a bill, entitled as follows:

"An act authorising the Comptroller to receive the returns of certain unpaid taxes on non-resident lands in the town of Bleecker, for the year 1847."

HAMILTON FISH.

A communication was received from the joint select committee, appointed by the Legislature of 1848, to examine the accounts of the Treasurer, the canal department and the banking department, in the words following, to wit:

HON. AMOS K. HADLEY,

*Speaker of the Assembly.*

SIR: I transmit herewith the report of the joint select committee of the Senate and Assembly, appointed at the last session to examine the Treasurer's accounts, the accounts of the canal department; and also to examine the condition of the banking department.

Respectfully your ob't servant,

JOHN W. BROWNSON, *Chairman.*

(See Doc. No. 83.)

*Ordered,* That the said report be referred to the committee on ways and means.

Mr. W. S. Smith moved that five times the usual number of the said report be printed for the use of the Legislature, and 200 copies for the use of the committee.

*Ordered,* That the said motion be referred to the committee on public printing.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to confirm the official acts of the officers of the town of North Hudson, elected at, and to legalise the town meeting held therein on the third Tuesday of April, 1848."

The said amendments were read.

Mr. Goff moved that the House concur in the amendments to the said bill.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Goff, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 101 }  
{ NAYS 02 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Raynor
Mr. H. J. Allen	Mr. Goff	Mr. Robles
Mr. Averill	Mr. Gove	Mr. A. Robertson
Mr. Bagley	Mr. Graham	Mr. W. H. Robertson
Mr. Bailey	Mr. Green	Mr. Rose
Mr. Beekman	Mr. Guernsey	Mr. Rounsaville
Mr. Bellinger	Mr. Hale	Mr. St. John
Mr. Boardman	Mr. Hall	Mr. Sexton
Mr. Bogart	Mr. Hammond	Mr. Skeel
Mr. Boughton	Mr. Harmon	Mr. Slocum
Mr. Bowen	Mr. Hart	Mr. Smalley
Mr. Brinkerhoff	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson

Mr. L. Butts	Mr. Kidd	Mr. Strever
Mr. W. Butts	Mr. Leavenworth	Mr. Sweet
Mr. Buxton	Mr. McKinney	Mr. Terry
Mr. Campbell	Mr. McLean	Mr. B. Thompson
Mr. Carver	Mr. McNeal	Mr. J. E. Thompson
Mr. Clark	Mr. Maine	Mr. A. Tuttle
Mr. Crispell	Mr. Markel	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Marsh	Mr. Van Orden
Mr. Culbert	Mr. Mersereau	Mr. Vincent
Mr. Disosway	Mr. Miller	Mr. Ward
Mr. Dodge	Mr. Moffatt	Mr. Wells
Mr. Elderkin	Mr. Nash	Mr. White
Mr. Elwood	Mr. Pease	Mr. Whittaker
Mr. Fiske	Mr. Perley	Mr. Willard
Mr. Fitzhugh	Mr. Picket	Mr. Wilcox
Mr. Gates	Mr. Pierce	Mr. Wisewell
Mr. A. Gilbert	Mr. Porter	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Prescott	Mr. Young
Mr. Glass	Mr. Quackenboss	

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Those who voted in the negative are,

Mr. Pruyn

Mr. W. S. Smith

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to incorporate the Syracuse City Water Works Company," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

"An act to incorporate the Albany City Savings Institution," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on banks and insurance companies.

A message from the Senate was received and read, informing that they had passed without amendment the bill, entitled "An act making an appropriation for the Institution for the instruction of the deaf and dumb, to enable them to pay off their debt.

*Ordered*, That the Clerk deliver the said bill to the Governor.

The Senate returned the resolution fixing the time of electing a Comptroller and Regent of the University, with a message informing that they have concurred in said resolution with the following amendments.

Strike out the words "by joint ballot a person to fill the vacancy which will be occasioned by the resignation of Millard Fillmore, and immediately thereafter they will in like manner proceed to elect."

Mr. Bowen moved the House do concur in the said amendment.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Bowen, and it was determined in the affirmative.

The engrossed bill entitled "An act to amend an act to provide for building a court house in the county of Madison, passed April 11, 1848," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 108 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Richards
Mr. H. J. Allen	Mr. Goff	Mr. Roblee
Mr. Averill	Mr. Gove	Mr. A. Robertson
Mr. Bagley	Mr. Graham	Mr. Rose
Mr. Bailey	Mr. Green	Mr. Rounseville
Mr. Beekman	Mr. Guernsey	Mr. St. John
Mr. Bellinger	Mr. Hale	Mr. Sexton
Mr. Boardman	Mr. Hall	Mr. Skeel
Mr. Bogart	Mr. Hammond	Mr. Slocum
Mr. Boughton	Mr. Harmon	Mr. Smalley
Mr. Bowen	Mr. Hart	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hoyt	Mr. W. S. Smith
Mr. Brewer	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. M. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kidd	Mr. Stewart
Mr. L. Butts	Mr. Leavenworth	Mr. Stryker
Mr. W. Butts	Mr. McKinney	Mr. Sweet
Mr. Buxton	Mr. McLean	Mr. Taylor
Mr. Campbell	Mr. McNeal	Mr. Terry
Mr. Carver	Mr. Maine	Mr. B. Thompson
Mr. Clark	Mr. Markel	Mr. J. E. Thompson
Mr. Crittenden	Mr. Mersereau	Mr. A. Tuttle
Mr. Cross	Mr. Miller	Mr. H. C. Tuthill
Mr. Culbert	Mr. Moffatt	Mr. Van Orden
Mr. Danforth	Mr. Nash	Mr. Vincent
Mr. Disosway	Mr. Noble	Mr. Wells
Mr. Dodge	Mr. Pease	Mr. Wheaton
Mr. Elderkin	Mr. Perley	Mr. White
Mr. Elwood	Mr. Picket	Mr. Whittaker
Mr. Fiske	Mr. Pierce	Mr. Willard
Mr. Fitzhugh	Mr. Porter	Mr. Wilcox
Mr. Gates	Mr. Prescott	Mr. Wisewell
Mr. A. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Young
Mr. Glass	Mr. Raynor	



*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act to provide for elections of county treasurers, and fix their term of office,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 108 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Richards
Mr. H. J. Allen	Mr. Goff	Mr. Roblee
Mr. Averill	Mr. Gove	Mr. A. Robertson
Mr. Bagley	Mr. Graham	Mr. Rose
Mr. Bailey	Mr. Green	Mr. Rounseville
Mr. Beekman	Mr. Hale	Mr. St. John
Mr. Bellinger	Mr. Hall	Mr. Sexton
Mr. Boardman	Mr. Hammond	Mr. Skeel
Mr. Bogart	Mr. Harmon	Mr. Slocum
Mr. Boughton	Mr. Hoyt	Mr. Smalley
Mr. Bowen	Mr. Hudson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. W. S. Smith
Mr. Brewer	Mr. M. Johnson	Mr. Speaker
Mr. Bull	Mr. Kelsey	Mr. Stevens
Mr. Bush	Mr. Kidd	Mr. Stevenson
Mr. Button	Mr. Leavenworth	Mr. Stewart
Mr. L. Butts	Mr. McKinney	Mr. Strever
Mr. W. Butts	Mr. McLean	Mr. Stryker
Mr. Buxton	Mr. McNeal	Mr. Sweet
Mr. Campbell	Mr. Maine	Mr. Taylor
Mr. Carver	Mr. Markel	Mr. Terry
Mr. Clark	Mr. Marsh	Mr. B. Thompson
Mr. Crittenden	Mr. Mersereau	Mr. J. E. Thompson
Mr. Cross	Mr. Miller	Mr. A. Tuttle
Mr. Culbert	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Danforth	Mr. Nash	Mr. Van Orden
Mr. Disosway	Mr. Noble	Mr. Wells
Mr. Dodge	Mr. Pease	Mr. Wheaton
Mr. Elderkin	Mr. Perley	Mr. White
Mr. Elwood	Mr. Picket	Mr. Whittaker
Mr. Fiske	Mr. Pierce	Mr. Willard
Mr. Fitzhugh	Mr. Porter	Mr. Wilcox
Mr. Gates	Mr. Prescott	Mr. Wisewell
Mr. A. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Young
Mr. Glass	Mr. Raynor	

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to declare the validity of the election of Ebenezer W. Peck as county treasurer of the county of Kings, and fix his term of office," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 104 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Raynor
Mr. H. J. Allen	Mr. Goff	Mr. Richards
Mr. Bagley	Mr. Gove	Mr. Roblee
Mr. Bailey	Mr. Graham	Mr. A. Robertson
Mr. Beekman	Mr. Green	Mr. Rose
Mr. Bellinger	Mr. Guernsey	Mr. Rounseville
Mr. Boardman	Mr. Hale	Mr. St. John
Mr. Bogart	Mr. Hall	Mr. Sexton
Mr. Boughton	Mr. Hammond	Mr. Skeel
Mr. Bowen	Mr. Harmon	Mr. Slocum
Mr. Brinkerhoff	Mr. Hart	Mr. Smalley
Mr. Brewer	Mr. Hoyt	Mr. W. S. Smith
Mr. Bush	Mr. Hudson	Mr. Speaker
Mr. Button	Mr. A. Johnson	Mr. Stevens
Mr. W. Butts	Mr. M. Johnson	Mr. Stevenson
Mr. Buxton	Mr. Kelsey	Mr. Stewart
Mr. Campbell	Mr. Kidd	Mr. Strever
Mr. Carver	Mr. Leavenworth	Mr. Stryker
Mr. Clark	Mr. McKinney	Mr. Sweet
Mr. Cornell	Mr. McLean	Mr. B. Thompson
Mr. Crittenden	Mr. McNeal	Mr. J. E. Thompson
Mr. Cross	Mr. Maine	Mr. A. Tuttle
Mr. Culbert	Mr. Markel	Mr. H. C. Tuthill
Mr. Curtis	Mr. Marsh	Mr. Van Orden
Mr. Danforth	Mr. Miller	Mr. Vincent
Mr. Disosway	Mr. Moffatt	Mr. Wells
Mr. Dodge	Mr. Nash	Mr. Wheaton
Mr. Elderkin	Mr. Noble	Mr. Whittaker
Mr. Elwood	Mr. Pease	Mr. Willard
Mr. Fiske	Mr. Perley	Mr. Wilcox
Mr. Fitzhugh	Mr. Picket	Mr. Wing
Mr. Gates	Mr. Porter	Mr. Wisewell
Mr. A. Gilbert	Mr. Prescott	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Young
Mr. Glass	Mr. Quackenboss	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act authorising the supervisors of the county of Chemung to borrow money to build a jail and keeper's residence," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 103 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Raynor
Mr. H. J. Allen	Mr. Goff	Mr. Richards
Mr. Bagley	Mr. Gove	Mr. Roblee
Mr. Bailey	Mr. Graham	Mr. A. Robertson
Mr. Beekman	Mr. Green	Mr. W. H. Robertson
Mr. Bellinger	Mr. Guernsey	Mr. Rose
Mr. Boardman	Mr. Hale	Mr. Rounseville
Mr. Bogart	Mr. Hall	Mr. St. John
Mr. Boughton	Mr. Hammond	Mr. Sexton
Mr. Brinkerhoff	Mr. Harmon	Mr. Skeel
Mr. Brewer	Mr. Hart	Mr. Slocum
Mr. Bush	Mr. Hudson	Mr. Smalley
Mr. Button	Mr. A. Johnson	Mr. W. S. Smith
Mr. L. Butts	Mr. M. Johnson	Mr. Speaker
Mr. W. Butts	Mr. Kelsey	Mr. Stevens
Mr. Buxton	Mr. Kidd	Mr. Stevenson
Mr. Campbell	Mr. Leavenworth	Mr. Stewart
Mr. Carver	Mr. McKinney	Mr. Strever
Mr. Clark	Mr. McLean	Mr. Sweet
Mr. Cornell	Mr. McNeal	Mr. B. Thompson
Mr. Crittenden	Mr. Maine	Mr. J. E. Thompson
Mr. Cross	Mr. Markel	Mr. A. Tuttle
Mr. Culbert	Mr. Marsh	Mr. H. C. Tuthill
Mr. Curtis	Mr. Miller	Mr. Van Orden
Mr. Danforth	Mr. Moffatt	Mr. Vincent
Mr. Disosway	Mr. Nash	Mr. Wells
Mr. Dodge	Mr. Noble	Mr. Wheaton
Mr. Elderkin	Mr. Pease	Mr. Whittaker
Mr. Elwood	Mr. Perley	Mr. Willard
Mr. Fiske	Mr. Picket	Mr. Wilcox
Mr. Fitzhugh	Mr. Porter	Mr. Wing
Mr. Gates	Mr. Prescott	Mr. Wisewell
Mr. A. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Young
Mr. Glass		

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*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the appraisal and payment of canal damages to John King," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 97 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Graham	Mr. Roblee
Mr. H. J. Allen	Mr. Green	Mr. A. Robertson
Mr. Bailey	Mr. Guernsey	Mr. W. H. Robertson
Mr. Beekman	Mr. Hall	Mr. Rose
Mr. Boardman	Mr. Hammond	Mr. Rounseville
Mr. Bogart	Mr. Harmon	Mr. St. John
Mr. Boughton	Mr. Hart	Mr. Sexton
Mr. Brinkerhoff	Mr. Hoyt	Mr. Skeel
Mr. Bush	Mr. Hudson	Mr. Slocum
Mr. Button	Mr. M. Johnson	Mr. Smalley
Mr. L. Butts	Mr. Kelsey	Mr. Speaker
Mr. W. Butts	Mr. Kidd	Mr. Stevens
Mr. Buxton	Mr. Leavenworth	Mr. Stevenson
Mr. Campbell	Mr. McKinney	Mr. Stewart
Mr. Carver	Mr. McLean	Mr. Strever
Mr. Clark	Mr. McNeal	Mr. Stryker
Mr. Cornell	Mr. Maine	Mr. Sweet
Mr. Crittenden	Mr. Markel	Mr. Terry
Mr. Cross	Mr. Marsh	Mr. B. Thompson
Mr. Culbert	Mr. Miller	Mr. J. E. Thompson
Mr. Danforth	Mr. Moffatt	Mr. A. Tuttle
Mr. Disosway	Mr. Nash	Mr. H. C. Tuthill
Mr. Dodge	Mr. Noble	Mr. Van Orden
Mr. Elderkin	Mr. Pardee	Mr. Vincent
Mr. Elwood	Mr. Perley	Mr. Wells
Mr. Fiske	Mr. Picket	Mr. Wheaton
Mr. Fitzhugh	Mr. Porter	Mr. Willard
Mr. A. Gilbert	Mr. Prescott	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Pruyu	Mr. Wing
Mr. Glass	Mr. Quackenboss	Mr. Wisewell
Mr. Goddard	Mr. Raynor	Mr. Woodruff
Mr. Goff	Mr. Richards	Mr. Young
Mr. Gove		

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*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act entitled 'An act in relation to justices' and police courts in the city of New-York,

passed March 30, 1848, and an act amendatory to the same, passed April 12, 1848," having been amended by unanimous consent, was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 102 }  
{ NAYS 00 }

Those who voted in the affirmative are;

Mr. B. Allen	Mr. Goddard	Mr. Raynor
Mr. H. J. Allen	Mr. Goff	Mr. Richards
Mr. Averill	Mr. Gove	Mr. Roblee
Mr. Bagley	Mr. Graham	Mr. A. Robertson
Mr. Bailey	Mr. Green	Mr. W. H. Robertson
Mr. Beekman	Mr. Guernsey	Mr. Rose
Mr. Bellingher	Mr. Hale	Mr. Rounseville
Mr. Boardman	Mr. Hall	Mr. St. John
Mr. Bogart	Mr. Hammond	Mr. Sexton
Mr. Boughton	Mr. Harmon	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Slocum
Mr. Bush	Mr. Hoyt	Mr. Smalley
Mr. Button	Mr. Hudson	Mr. W. S. Smith
Mr. L. Butts	Mr. A. Johnson	Mr. Speaker
Mr. W. Butts	Mr. Kelsey	Mr. Stevens
Mr. Buxton	Mr. Kidd	Mr. Stevenson
Mr. Campbell	Mr. Leavenworth	Mr. Stewart
Mr. Carver	Mr. McKinney	Mr. Strever
Mr. Clark	Mr. McLean	Mr. Stryker
Mr. Cornell	Mr. McNeal	Mr. Sweet
Mr. Crittenden	Mr. Maine	Mr. Terry
Mr. Cross	Mr. Markel	Mr. B. Thompson
Mr. Culbert	Mr. Marsh	Mr. J. E. Thompson
Mr. Danforth	Mr. Miller	Mr. A. Tuttle
Mr. Disosway	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Dodge	Mr. Nash	Mr. Van Orden
Mr. Elderkin	Mr. Noble	Mr. Vincent
Mr. Elwood	Mr. Pardee	Mr. Wells
Mr. Fiske	Mr. Perley	Mr. Wheaton
Mr. Fitzhugh	Mr. Picket	Mr. Whittaker
Mr. Gates	Mr. Pierce	Mr. Wilcox
Mr. A. Gilbert	Mr. Prescott	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. Glass	Mr. Quackenboss	Mr. Young

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Ordered, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Genesee College," was read a third time.

Mr. Speaker put the question whether the House would agree to the report of the committee and pass the bill accordingly, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 101 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Roblee
Mr. H. J. Allen	Mr. Graham	Mr. A. Robertson
Mr. Averill	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Guernsey	Mr. Rounsaville
Mr. Bailey	Mr. Hale	Mr. St. John
Mr. Beekman	Mr. Hall	Mr. Sexton
Mr. Bellinger	Mr. Hammond	Mr. Skeel
Mr. Boardman	Mr. Harmon	Mr. Slocum
Mr. Bogart	Mr. Hart	Mr. Smalley
Mr. Boughton	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hudson	Mr. W. S. Smith
Mr. Bush	Mr. A. Johnson	Mr. Speaker
Mr. Button	Mr. M. Johnson	Mr. Stevens
Mr. L. Butts	Mr. Kidd	Mr. Stevenson
Mr. W. Butts	Mr. Leavenworth	Mr. Stewart
Mr. Buxton	Mr. McKinney	Mr. Strever
Mr. Campbell	Mr. McLean	Mr. Stryker
Mr. Carver	Mr. McNeal	Mr. Sweet
Mr. Clark	Mr. Maine	Mr. B. Thompson
Mr. Crittenden	Mr. Markel	Mr. J. E. Thompson
Mr. Cross	Mr. Marsh	Mr. A. Tuttle
Mr. Culbert	Mr. Miller	Mr. H. C. Tuthill
Mr. Danforth	Mr. Moffatt	Mr. Van Orden
Mr. Disoway	Mr. Nash	Mr. Vincent
Mr. Dodge	Mr. Noble	Mr. Wells
Mr. Elwood	Mr. Pardee	Mr. Wheaton
Mr. Fiske	Mr. Perley	Mr. Whittaker
Mr. Fitzhugh	Mr. Picket	Mr. Willard
Mr. Gates	Mr. Porter	Mr. Wilcox
Mr. A. Gilbert	Mr. Prescott	Mr. Wing
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Wisewell
Mr. Glass	Mr. Quackenboss	Mr. Woodruff
Mr. Goddard	Mr. Raynor	Mr. Young
Mr. Goff	Mr. Richards	

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Slocum,

The House proceeded to the consideration of the resolution heretofore offered by him, and the same having been amended to read as follows:

**WHEREAS,** the infliction of punishment by flogging is a relic of a barbarous age, that is alike revolting to every feeling of humanity.

and degrading to the subject of it, and should not therefore be tolerated by a nation claiming to be the most free and enlightened on the globe: therefore

*Resolved*, (if the Senate concur) That our Senators in Congress be instructed, and our Representatives be requested to employ all reasonable means to secure the immediate abolition of this unnatural punishment in the military and naval service of the United States, and also to abolish spirit rations in the United States Navy.

Mr. Varnum moved to strike out the fourth line of the preamble and insert the words "any civilized nation."

Mr. Rose moved to insert in the fourth line of the resolution after the words United States, the words "except in cases of desertions from the service."

Mr. W. S. Smith moved to refer the said resolution and amendments, to the committee on commerce and navigation.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the affirmative.

Mr. Fitzhugh gave notice that he would at some future day ask leave to introduce a bill to confirm the official acts of the county treasurer of the county of Oswego.

Mr. Wells gave notice that he would at an early day ask leave to introduce a bill to reincorporate the Methodist Episcopal church Garretson station, in the city of Albany.

Mr. Campbell gave notice that he would at an early day ask leave to introduce a bill to provide for the building of a new Capitol at the city of Albany.

On motion of Mr. Bailey,

*Resolved*, That all the memorials and papers relating to the equalization of representation in boards of supervisors on the files of the House, be taken therefrom and referred to the committee on the internal affairs of towns and counties.

On motion of Mr. Slocum,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

WHEREAS, The Congress of the United States did, in 1777, pass a resolution requesting the Governor and Council of the State of New-York to erect a monument of the value of five hundred dollars at the expense of the United States, to the memory of Gen. Nicholas Herkimer, a native of this State, who died of wounds received in vindicating the rights and securing to us the inestimable privileges we now enjoy, and this Legislature cordially responding to the patriotic sentiment contained in the letter conveying to Gov. Clinton the resolution of Congress on that subject; therefore,

*Resolved*, (if the Senate concur,) "That every mark of distinction shown to the memory of such illustrious men as offer up their lives for the liberty and happiness of their country, reflects real honor on those who pay the tribute, and by holding up to others the prospect of fame and immortality will animate them to tread in the same path."

*Resolved*, (if the Senate concur,) That our Senators in Congress be instructed and our Representatives be requested to adopt such measures as they may deem most expedient for the accomplishment of the patriotic purpose for which this appropriation was made.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. A. Johnson moved the House reconsider its vote on the passage of said resolution.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Johnson, and it was determined in the affirmative.

Mr. A. Johnson moved the said resolution be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Johnson, and it was determined in the affirmative.

In pursuance of previous notice Mr. Danforth asked for and obtained leave to bring in a bill entitled "An act to designate the place of holding the next annual town meeting in the town of Broome, in the county of Schoharie," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

In pursuance of previous notice Mr. Van Orden asked for and obtained leave to bring in a bill entitled "An act providing for the appointment of commissioners for the sale of lands under foreclosures in the city of New-York," which was read the first time and by unanimous consent was also read a second time and referred to the select committee consisting of the New-York delegation.

In pursuance of previous notice, Mr. Goddard asked for and obtained leave to bring in a bill entitled "An act to change the present mode of electing town assessors," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the judiciary.

In pursuance of previous notice Mr. Sweet asked for and obtained leave to bring in a bill entitled "An act to vest certain special powers in the justices of the supreme court heretofore vested in the Vice Chancellors of this state," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

In pursuance of previous notice Mr. Cross asked for and obtained leave to bring in a bill entitled "An act authorising the erection of docks in the seventh ward in the city of Brooklyn," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice Mr. Brewer asked for and obtained leave to bring in a bill entitled "An act to amend an act to secure the faithful expenditure of moneys raised and collected for certain charitable institutions in the first Senate district, passed May 13, 1840," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on charitable and religious societies.



On motion of Mr. Elderkin,

*Resolved*, That a respectful message be sent to the Senate, requesting them to transmit to this House all the petitions, maps and papers relating to the Northern railroad in their possession, and that the same be referred to the select committee on that subject.

Mr. Goff offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the judiciary committee of this House be instructed to report the lexical meaning of the words "revise," "reform," "simplify and abridge," article 6, section 24, of the Constitution; for the information of this House.

*Ordered*, That the said resolution be laid upon the table.

Mr. Prun gave notice that he would at some future day ask leave to bring in a bill to regulate the commissions of executors and administrators.

On motion of Mr. Bagley,

*Resolved*, That the committee on the judiciary be discharged from the consideration of the bill, entitled "An act to provide for the appointment of a commissioner to administer oaths and take the affidavits of the officers of the Clinton prison," and that the same be referred to the committee on State prisons.

On motion of Mr. L. Ward Smith,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the Canal Commissioners be requested to report at their earliest convenience, an estimate of the expense of bringing into use one set of enlarged locks on the Erie canal, from Syracuse to Buffalo, exclusive of the work now under contract for that purpose.

Mr. Speaker put the question whether the House would agree to the said resolution, of Mr. L. Ward Smith and it was determined in the affirmative.

On motion of Mr. Hale,

The House proceeded to the consideration of the resolution heretofore offered by him, in relation to presenting a sword to Col. Bliss.

Mr. Sweet moved that the said resolution be referred to the committee on the militia.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Sweet, and it was determined in the affirmative.

On motion of Mr. Mowry,

*Resolved*, That the bill, entitled "An act to amend the charter of the Attica and Hornellsville Railroad company," be recommitted to the committee on railroads

On motion of Mr. Hale,

*Resolved*, That the petitions on file in this House, and presented at previous sessions of the Legislature, for a new county from parts of Steuben and Allegany, be taken from the files and referred to the committee on the erection and division of towns and counties.

On motion of Mr. Boughton,

*Resolved*, That the petitions and papers relating to the reduction of tolls on the Coney Island turnpike road and bridge be taken from the files of the last House, and referred to the committee on roads and bridges.

Mr. Glass gave notice that he would at some early day ask leave to introduce a bill to alter and amend an act, entitled "An act to authorise the formation of railroad corporations."

On motion of Mr. L. Ward Smith,

*Resolved*, That the report of the select committee appointed to examine and report in relation to the State library and Assembly library be referred to the joint library committee.

On motion of Mr. L. Ward Smith,

*Resolved*, That the petition of the justices of the supreme court and members of the bar of the Seventh Judicial district that the late chancellor's or one of the State law libraries may be deposited and kept at the city of Rochester for the use of the court, be taken from the committee on the judiciary and referred to the joint library committee.

Mr. Graham offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the mayor and common council of the city of Brooklyn be and they are hereby directed to report forthwith under oath to this House, how and in what manner the sum of one hundred and fifty thousand dollars, heretofore borrowed by them for the purpose of erecting a city hall in said city, has been expended, and the particulars of such expenditure.

*Ordered*, That the said resolution be laid on the table.

Mr. Hale offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That whenever any action or actions shall be brought by this State to recover the possession of any tract or parcel of land the title to which is claimed by any non-resident alien or aliens of this State, it shall be the duty of the Attorney General to restrain by the proper order of the court in which such action or actions are brought, such alien or aliens, their agents, sub-agents and attorneys, from collecting or recovering any rents, issues and profits for and on account of any such tract or parcel of land, or any subdivision thereof; also, from collecting or receiving any money or valuable thing for and on account of any such tract or parcel of land, or subdivision thereof, contracted for sale by such alien or aliens, their agents, sub-agents or attorneys, until the final determination of such action or actions.

*Ordered*, That the said resolution be laid on the table.

Mr. W. S. Smith moved that the said resolution be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bills, entitled as follows:

"An act for the licensing and government of the pilots of New-York, by the way of Sandy Hook,"

"An act to designate the place of holding the next annual town meeting in the town of Broome, in the county of Schoharie."

And after some time spent thereon Mr. Speaker resumed the chair and Mr. M. Johnson from said committee, reported that the committee had gone through the said first mentioned bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. M. Johnson from said committee reported that the committee had gone through the said last mentioned bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

And then, at 2 o'clock p. m.,

On motion of Mr. Wells,

The House adjourned.

## TUESDAY, FEBRUARY 6, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Huntington.

The minutes of yesterday were read and approved.

Mr. Woodruff presented the petition of George Williams, for the payment of damages caused by the substitution of an open cut for the tunnel on the Genesee Valley canal at Portage, which was read and referred to the committee on claims.

Mr. Pruyn presented the petition of sundry citizens of Albany, for an act incorporating the St. Vincent's Orphan Asylum Society, in the city of Albany, which was read and referred to the committee on charitable and religious societies.

Mr. B. Thompson presented the petition of 179 citizens of Buffalo, for an endowment of the Buffalo City Hospital, which was read and referred to the committee on medical societies and colleges.

Mr. Guernsey presented the petition of sundry inhabitants of the village of Silver Creek, in the county of Chautauque, for a law constituting said village a separate road district, which was read and referred to the committee on roads and bridges.

Mr. Guernsey presented the petition of sundry inhabitants of school district No. 8 in the towns of Hanover and Sheridan, in the county of Chautauque, for a law to vest certain powers in the trustees of said district, which was read and referred to the committee on colleges, academies and common schools.

Mr. Terry presented the petition of sundry inhabitants of the county of Chautauque, asking the passage of a law to require the county judge and surrogate to keep their offices at the county seat, which was read and referred to the committee on the judiciary.

Mr. Crispell presented thirteen several petitions of sundry inhabitants of the town of Kingston, for an act establishing a ferry across the Rondout creek at South Rondout, which were read and referred to the committee on roads and bridges.

Mr. Averill presented the petition of 80 inhabitants of Palatine, Montgomery co., for a law establishing a system of free schools throughout the state, which was read and referred to the committee on colleges, academies and common schools.

Mr. Barber presented the petition of 262 inhabitants of Westerlo, Albany co., praying for a law to prohibit the collection of rents on the different manor lands in this state, until the question of title, now under investigation shall be decided, which was read and referred to the committee on the judiciary.

Mr. Folger presented the petition of sundry citizens of New-York, for the election of chief of police by the people, which was read and referred to a select committee consisting of the New-York delegation.

Mr. Averill presented the petition of the supervisors of Montgomery Co., for a division of the town of Canajoharie, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Hudson presented the petition of H. Brewster and others, for a law amending the code of procedure in relation to the costs of the foreclosure of mortgages, which was read and referred to the committee on the judiciary.

Mr. Guernsey presented the petition of the supervisors of Chautauque co., for a law making the clerk of that county a salaried officer, which was read and referred to the committee on the judiciary.

Mr. Hale presented the petition of sundry inhabitants of the county of Steuben, for a law to tax non-resident aliens for debts due from citizens of this state to such aliens, which was read and referred to the committee on the judiciary.

Mr. L. M. Gilbert presented the petition of sundry inhabitants of Cherry Valley, for a division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Graham presented seven several petitions of sundry inhabitants of the town of Esopus, for an additional ferry across the Rondout creek at South Rondout, which were read and referred to the committee on roads and bridges.

Mr. A. Tuttle presented the petition of sundry inhabitants of Greene co., for a law to prohibit the sale of intoxicating liquors in this state, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Crispell presented the petition of sundry inhabitants of Rondout, for a law incorporating the village of Rondout, which was read and referred to the committee on the incorporation of cities and villages.

Mr. W. S. Smith presented the remonstrance of sundry citizens

of Queens co., against incorporating the association for the improvement of the breed of horses, which was read and referred to the committee on agriculture.

Mr. Fox presented the petition of Samuel H. Stone, for an act to confirm his acts as treasurer of Oswego county, which was read and referred to the committee on the judiciary.

Mr. Fish presented three several petitions of sundry citizens of Glen and Mohawk, to authorise the Fultonville and Johnstown Plank Road Company to bridge the Mohawk river, which were read and referred to the committee of the whole House when on the bill upon that subject.

Mr. W. S. Smith presented the petition of James Peck, praying for a law to authorise him to extend and otherwise to improve the old town dock in the town of Flushing, which was read and referred to the committee on commerce and navigation.

Mr. Graham presented the remonstrance of 105 inhabitants of the county of Ulster, against any law to prohibit the use of drift nets in the Hudson river, which was read and referred to the select committee on that subject.

Mr. Maine presented the petition of Z. T. Bentley and other citizens of De Ruyter, praying for the endowment of an agricultural department in the De Ruyter Institute, which was read and referred to the committee on agriculture.

On motion of Mr. Dodge,

*Ordered*, That the said petition be printed.

Mr. Crispell presented the remonstrance of sundry citizens of Saugerties against any alteration of the Saugerties and Woodstock Turnpike charter, which was read and referred to a committee of the whole House when on the bill upon that subject.

Mr. Folger presented the petition from the New-York Nautical Institution and Ship Masters' Society, asking for the repeal of certain acts passed April 5th, 1848, changing its organization, which was read and referred to a select committee.

*Ordered*, That Mr. Campbell, Mr. Folger, Mr. Cornell, Mr. Noble and Mr. Sweet be said committee.

Mr. Brewer presented four several petitions of sundry inhabitants of New-York, praying for acts exempting the homestead from sale by execution, and limiting the quantity of land to be hereafter acquired by one individual, which were read and referred to the select committee on that subject.

Mr. Mersereau presented the memorial of sundry inhabitants of the town of Addison, in the county of Steuben, praying for the erection of a new county out of the county of Steuben, to be called Canisteo, and remonstrating against any other division of said county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Sexton presented the remonstrance of sundry inhabitants of the towns of Seward and Sharon, in the county of Schoharie, against any release or abandonment of any part of the Schoharie turnpike

road, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Sweet from the committee on the judiciary, to which was referred the petition of sundry inhabitants of Rensselaer co., to stay the collection of rents during the pendency of certain suits at law commenced by the Attorney General against the estate of William P. Van Rensselaer, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Sweet, from the committee on the judiciary to which was referred the bill entitled "An act to prescribe the manner of drawing and summoning juries in courts held by justices of the peace, and for other purposes," reported that the committee had had said bill under consideration, and come to the conclusion that the same ought not to be passed into a law.

Mr. Sweet from the committee on the judiciary, to which was referred the petition of the board of supervisors of Oswego co., praying for a law to regulate the fees of county clerks, reported against the prayer of the petitioners and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Sweet from the committee on the judiciary to which was referred the bill entitled "An act to vest certain special powers in the justices of the supreme court heretofore vested in the Vice Chancellors of this state," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Sweet,

*Ordered*, That the said bill be referred to the committee on the judiciary to report complete.

Mr. Bailey from the committee on the judiciary to which was referred the bill entitled "An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bailey from the committee on the judiciary to which was referred the petition of the supervisors of Washington co., for a law authorising the Loan Commissioners to transcribe the mortgages of 1792 and 1808 into one book, reported and asked, and obtained leave to bring in a bill entitled "An act to authorise the Loan Commissioners of the county of Washington, to transcribe certain records

in said county," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Button from the committee on colleges, academies and common schools to which was referred the petition of sundry inhabitants of the town of Louisville, praying for a law to require the town of Norfolk to pay over certain school monies belonging to said town of Louisville, reported, and asked, and obtained leave to bring in a bill entitled "An act to require the town of Norfolk to pay the town of Louisville certain school monies;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Mowry from a majority of the committee on railroads, to which was referred numerous petitions for a railroad from Syracuse to Rochester on the most direct route, and remonstrances against the same, also "An act to declare the public utility of a railroad from Syracuse to Rochester on the most direct and eligible route," reported against the prayer of the petitioners and against the passage of the bill.

(See Doc. No. 81.)

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. L. Ward Smith moved that five times the usual number of the said report be printed for the use of the Legislature and 250 copies for the committee.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. Cornell, from the committee on the judiciary, to which was referred the petition of Hartman Vreeland Van Horn, for a law to change his name to Hartman Vreeland, the petition of Wm. Bull for a law to change his name to George Williamson, and the petition of Appleton Smith to change his name to Oaksmith, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act, entitled 'An act to authorise persons to change their names,' passed Dec. 4, 1847," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Boyce, from a minority of the committee on railroads, to which were referred numerous petitions for a railroad from Syracuse to Rochester on the most eligible route, also "An act to declare the public utility of a railroad from Syracuse to Rochester on the most direct and eligible route," reported and recommended the passage of said bill.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. L. Ward Smith moved that five times the usual number of the said report be printed for the use of the Legislature, and 250 copies for the use of the committee.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. McLean, from the committee on claims, to which was referred the petition of James R. Clark for damages sustained by libel suit in the exposition of canal frauds, reported and asked and obtained leave to introduce a bill, entitled "An act to pay James R. Clark certain expenses in defending a libel suit while in the employ of the State," which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

(*See Doc. No. 80.*)

Mr. Campbell from the committee on banks and insurance companies to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Albany City Savings institution;" reported that the committee had examined the said bill and saw no reason why the same, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the bill, entitled "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike, as a village street, and to authorise the said turnpike company to cede the same to said village," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Cross from the committee on the incorporation of cities and villages to which was referred the petition of trustees of the village of Potsdam for an amendment of their village charter; reported, and asked and obtained leave to introduce a bill, entitled "An act to amend an act to incorporate the village of Potsdam, passed March 3, 1831," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Ward from the committee on claims to which was referred the petition of Perkins E. Hays for damages sustained as contractor on the Genesee Valley canal; reported, and asked and obtained leave to introduce a bill, entitled "An act authorising the appraisal and payment of canal damages to Perkins E. Hays," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

(*See Doc. No. 77.*)

Mr. Ward from the committee on claims to which was referred the petition of Elizabeth Donaldson and others, for an appraisal of canal damages, reported against the prayer of the petitioners, and



offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bill, entitled as follows to wit:

"An act to designate the place of holding the next annual town meeting in the town of Broome, in the county of Schoharie."

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of Dennis Lewis, praying for an act to authorise him to qualify as a justice of the peace for the town of New Lebanon, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bagley from the committee on the judiciary, to which was referred the petition of Hiram W. Jackson for an act to confirm his official acts as superintendent of schools in the town of China; reported, and asked and obtained leave to introduce a bill, entitled "An act to confirm the official acts of Hiram W. Jackson of the town of China, as superintendent of common schools," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Van Orden from the committee on public printing, to which was referred the motion to print five times the usual number of the report of the select committee of the Senate and Assembly, appointed by the Legislature to examine the accounts of the Treasurer, the canal department and the banking department, for the use of the Legislature, and 200 copies for the committee, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That five times the usual number of the said report be printed for the use of the Legislature, and 200 copies for the use of the committee.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Noble from the committee on the judiciary, to which was referred the petition of H. D. Brundage of Seneca co., for a law to confirm his official acts as a justice of the peace; reported, and asked and obtained leave to introduce a bill, entitled "An act to confirm the official acts of Horace D. Brundage, a justice of the peace of the town of Lodi," which was read the first time, and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Taylor from the committee on the petitions of aliens, to which was referred the petition of James Hay, a citizen of the United States, for a release of the Leake escheat to him, reported, and asked to be discharged from the further consideration of said petition, and that the said petition be referred to a select committee.

A division of the question being called,

Mr. Speaker put the question whether the House would agree to discharge said committee, and it was determined in the affirmative.

Mr. Bush moved that the motion to refer to a select committee be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bush, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion to refer to a select committee, and it was determined in the affirmative.

*Ordered*, That Mr. Sweet, Mr. Woodruff, Mr. Hale, Mr. J. E. Thompson and Mr. Brewer be such committee.

Mr. A. Gilbert, from the committee on commerce and navigation, to which was referred the engrossed bill from the Senate, entitled "An act to amend an act, entitled 'An act to incorporate the New-York Floating Dry Dock Company,' passed April 18, 1843," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Sweet from the committee on the judiciary, to which was referred the bill entitled "An act to vest certain special powers in the justices of the supreme court heretofore vested in vice chancellors of this state," to report complete, reported that the committee had gone through the said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Whittaker, from the committee on the petitions of aliens, to which was referred the petition of Stuart C. Maitland and James Conerie, for a law to authorise them to hold and convey real estate, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hoyt, from the committee on public lands, to which was referred the petition of sundry inhabitants of Madison and Oneida counties, for relief from the purchase of certain Indian lands sold by the Surveyor General in the years 1840 and 1841, reported, and asked and obtained leave to bring in a bill, entitled "An act for the relief of certain purchasers of land in the Oneida reservation in 1840 and 1841," which was read the first time, and by unanimous consent

was also read the second time and committed to the committee of the whole House.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of John W. Hawn, for an act to authorize the canal commissioners to erect a canal bridge on his farm in the town of Minden, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Disosway from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of Dansville, for the establishment of a union school in districts No. 1 and 2 in said town, reported, and asked and obtained leave to bring in a bill, entitled "An act to establish the Union Free School in the village of Dansville," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, Feb. 5, 1849. }

TO THE ASSEMBLY :

I have this day approved and signed a bill, entitled as follows :

"An act making an appropriation to the New-York Institution for the instruction of the deaf and dumb, to enable them to pay off their debt."

HAMILTON FISH.

A communication from the Washington Rifle Company of the city of Albany, asking the use of the Assembly Chamber on the 22d inst., for the purpose of celebrating Washington's birth day, was received and referred to the select committee on granting the use of the Chamber.

The annual report of the Bank of the New-York Dry Dock Company, in relation to unclaimed dividends and deposits, was received and referred to the committee on banks and insurance companies.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, Feb. 6, 1849. }

To the Legislature :

I transmit the annual report of the Adjutant General. The report it will be observed suggests several alterations in the present militia laws of the state. I would respectfully ask for those suggestions your consideration.

HAMILTON FISH.

(See Doc. No. 88.)

Mr. Rose moved that 15 times the usual number of the said report be printed for the use of the Legislature, and 250 for the Adjutant General.

*Ordered*, That the said motions be referred to the committee on public printing.

The Senate returned the engrossed bill entitled "An act to confirm the official acts of the officers of the town of North Hudson, elected at, and to legalize the town meeting held therein on the third Tuesday of April, 1848."

*Ordered*, That the Clerk deliver the said bill to the Governor.

The Senate returned the bill entitled "An act to amend an act entitled 'An act to incorporate the American Baptist Home Mission Society, passed April 12, 1843,'" with a message informing that they had agreed to the amendments reported by the joint committee on the matters of difference between the two Houses, and passed the bill as amended.

*Ordered*, That the Clerk return the said bill to the Senate.

The engrossed bill entitled "An act to fix the place of meeting of the board of supervisors of the county of Ulster," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 109 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. Roblee
Mr. H. J. Allen	Mr. Gove	Mr. W. H. Robertson
Mr. Bagley	Mr. Graham	Mr. Rockwell
Mr. Bailey	Mr. Green	Mr. Rose
Mr. Beekman	Mr. Guernsey	Mr. Rounseville
Mr. Boardman	Mr. Hale	Mr. St. John
Mr. Bogart	Mr. Hall	Mr. Sexton
Mr. Boughton	Mr. Hammond	Mr. Skeel
Mr. Bowen	Mr. Harmon	Mr. Smalley
Mr. Boyce	Mr. Hart	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hoyt	Mr. W. S. Smith
Mr. Brewer	Mr. Hudson	Mr. Speaker
Mr. Bull	Mr. A. Johnson	Mr. Stevens
Mr. Bush	Mr. M. Johnson	Mr. Stevenson
Mr. Button	Mr. Kelsey	Mr. Stewart
Mr. L. Butts	Mr. Kennedy	Mr. Strever
Mr. W. Butts	Mr. Kidd	Mr. Stryker
Mr. Buxton	Mr. Leavenworth	Mr. Terry
Mr. Campbell	Mr. McKinney	Mr. B. Thompson
Mr. Carver	Mr. McLean	Mr. J. E. Thompson
Mr. Clark	Mr. McNeal	Mr. A. Tuttle

Mr. Crispell	Mr. Marsh	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Merseureau	Mr. Van Auken
Mr. Cross	Mr. Moffatt	Mr. Van Orden
Mr. Culbert	Mr. Mowry	Mr. Varnum
Mr. Curtis	Mr. Nash	Mr. Vincent
Mr. Danforth	Mr. Noble	Mr. Ward
Mr. Disosway	Mr. Pardee	Mr. Wells
Mr. Elderkin	Mr. Perley	Mr. Wheaton
Mr. Fish	Mr. Pierce	Mr. White
Mr. Fiske	Mr. Porter	Mr. Whittaker
Mr. Fitzhugh	Mr. Prescott	Mr. Willard
Mr. Gates	Mr. Prayn	Mr. Wilcox
Mr. A. Gilbert	Mr. Quackenboss	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Raynor	Mr. Woodruff
Mr. Glass	Mr. Richards	Mr. Young
Mr. Goddard		

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act for the licensing and government of the pilots of the port of New-York, by way of Sandy Hook," was read a third time."

Mr. Speaker put the question whether the House would agree to the report of the committee and pass the bill accordingly, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 110 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Graham	Mr. Roblee
Mr. H. J. Allen	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Guernsey	Mr. Rockwell
Mr. Bailey	Mr. Hale	Mr. Rose
Mr. Beekman	Mr. Hall	Mr. Rounseville
Mr. Boardman	Mr. Hammond	Mr. St. John
Mr. Bogart	Mr. Harmon	Mr. Sexton
Mr. Boughton	Mr. Hart	Mr. Skeel
Mr. Bowen	Mr. Hoyt	Mr. Smalley
Mr. Boyce	Mr. Hudson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Speaker
Mr. Brewer	Mr. M. Johnson	Mr. Stevens
Mr. Bull	Mr. Kelsey	Mr. Stevenson
Mr. Bush	Mr. Kennedy	Mr. Stewart
Mr. Button	Mr. Kidd	Mr. Strever
Mr. L. Butts	Mr. Leavenworth	Mr. Stryker
Mr. W. Butts	Mr. McKinney	Mr. Sweet
Mr. Buxton	Mr. McLean	Mr. Terry
Mr. Campbell	Mr. McNeal	Mr. B. Thompson
Mr. Carver	Mr. Maine	Mr. J. E. Thompson

Mr. Clark	Mr. Markel	Mr. A. Tuttle
Mr. Crispell	Mr. Marsh	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Mersereau	Mr. Van Auken
Mr. Culbert	Mr. Moffatt	Mr. Van Orden
Mr. Curtis	Mr. Mowry	Mr. Varnum
Mr. Danforth	Mr. Nash	Mr. Vincent
Mr. Disosway	Mr. Noble	Mr. Ward
Mr. Fish	Mr. Pease	Mr. Wells
Mr. Fiske	Mr. Perley	Mr. Wheaton
Mr. Fitzhugh	Mr. Pickett	Mr. White
Mr. Gates	Mr. Pierce	Mr. Whittaker
Mr. A. Gilbert	Mr. Porter	Mr. Willard
Mr. L. M. Gilbert	Mr. Prescott	Mr. Wilcox
Mr. Glass	Mr. Pruyn	Mr. Wisewell
Mr. Goddard	Mr. Quackenboss	Mr. Woodruff
Mr. Goff	Mr. Raynor	Mr. Young
Mr. Gove	Mr. Richards	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to designate the place of holding the next annual town meeting in the town of Broome, in the county of Schoharie," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 112 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Graham	Mr. A. Robertson
Mr. H. J. Allen	Mr. Green	Mr. W. H. Robertson
Mr. Averill	Mr. Guernsey	Mr. Rockwell
Mr. Bagley	Mr. Hale	Mr. Rose
Mr. Barber	Mr. Hall	Mr. Rounseville
Mr. Beekman	Mr. Hammond	Mr. St. John
Mr. Boardman	Mr. Harmon	Mr. Sexton
Mr. Bogart	Mr. Hart	Mr. Skeel
Mr. Boughton	Mr. Hoyt	Mr. Slocum
Mr. Bowen	Mr. Hudson	Mr. Smalley
Mr. Boyce	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. M. Johnson	Mr. W. S. Smith
Mr. Brewer	Mr. Kelsey	Mr. Speaker
Mr. Bush	Mr. Kennedy	Mr. Stevens
Mr. Button	Mr. Kidd	Mr. Stevenson
Mr. L. Butts	Mr. Leavenworth	Mr. Stewart
Mr. W. Butts	Mr. McKinney	Mr. Strever
Mr. Buxton	Mr. McLean	Mr. Stryker
Mr. Campbell	Mr. McNeal	Mr. Sweet

Mr. Carver  
Mr. Clark  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Danforth  
Mr. Elderkin  
Mr. Elwood  
Mr. Fish  
Mr. Fiske  
Mr. Fitzhugh  
Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Goff  
Mr. Gove

Mr. Maine  
Mr. Markel  
Mr. Marsh  
Mr. Mersereau  
Mr. Miller  
Mr. Moffatt  
Mr. Mowry  
Mr. Nash  
Mr. Noble  
Mr. Pardee  
Mr. Perley  
Mr. Picket  
Mr. Porter  
Mr. Prescott  
Mr. Pruyn  
Mr. Quackenboss  
Mr. Richards  
Mr. Roblee

Mr. Terry  
Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. A. Tuttle  
Mr. H. C. Tuthill  
Mr. Van Auken  
Mr. Varnum  
Mr. Vincent  
Mr. Ward  
Mt. Wells  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Willard  
Mr. Wilcox  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same..

The engrossed bill entitled "An act to vest special powers in the justices of the supreme court heretofore vested in the Vice Chancellors of this state," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 105 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Bagley  
Mr. Bailey  
Mr. Beekman  
Mr. Boardman  
Mr. Bogart  
Mr. Boughton  
Mr. Bowen  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bush  
Mr. Button  
Mr. L. Butts  
Mr. W. Butts

Mr. Goddard  
Mr. Goff  
Mr. Gove  
Mr. Graham  
Mr. Green  
Mr. Guernsey  
Mr. Hale  
Mr. Hall  
Mr. Hammond  
Mr. Harmon  
Mr. Hart  
Mr. Hoyt  
Mr. Hudson  
Mr. A. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd

Mr. Roblee  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. St. John  
Mr. Sexton  
Mr. Skeel  
Mr. Smalley  
Mr. L. Ward Smith  
Mr. W. S. Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stevenson  
Mr. Stewart  
Mr. Strever  
Mr. Stryker

Mr. Buxton	Mr. Leavenworth	Mr. B. Thompson
Mr. Campbell	Mr. McKinney	Mr. J. E. Thompson
Mr. Carver	Mr. McLean	Mr. A. Tuttle
Mr. Clark	Mr. McNeal	Mr. H. C. Tuthill
Mr. Crispell	Mr. Marsh	Mr. Van Aiken
Mr. Crittenden	Mr. Moffatt	Mr. Van Orden
Mr. Cross	Mr. Mowry	Mr. Varnum
Mr. Culbert	Mr. Nash	Mr. Vincent
Mr. Curtis	Mr. Noble	Mr. Ward
Mr. Danforth	Mr. Pease	Mr. Wells
Mr. Disosway	Mr. Perley	Mr. Wheaton
Mr. Fish	Mr. Picket	Mr. White
Mr. Fiske	Mr. Pierce	Mr. Whittaker
Mr. Fitzhugh	Mr. Porter	Mr. Willard
Mr. Gates	Mr. Prescott	Mr. Wilcox
Mr. A. Gilbert	Mr. Pruyn	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Woodruff
Mr. Glass	Mr. Richards	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Wheaton gave notice that he would at some future day bring in a bill to equalize taxation in certain school districts.

Mr. Nash offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That the State Engineer and Surveyor be authorised to prepare a map of this state on a large scale, on which shall be delineated the line of every railroad and canal now constructed, or in progress of construction, and also the lines of projected railroads and canals; one copy of said map to be hung in the cloak-room of the Assembly Chamber, and the other in the cloak-room of the Senate: provided however that the cost of preparing the same shall not exceed the sum of two hundred dollars.

*Ordered*, That the said resolution be laid upon the table.

Mr. Van Orden offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the bill now in the hands of the committee on commerce and navigation, concerning the health officer at the Quarantine of the port of New-York, be taken therefrom and referred to the committee of the whole.

*Ordered*, That the said resolution be laid upon the table.

Mr. Fitzhugh gave notice that he would ask leave at an early day to bring in a bill to amend an act entitled "An act to organize and establish a recorder's court in the city of Oswego," passed April 12, 1848.

On motion of Mr. Campbell,

*Resolved*, That the bill entitled "An act to amend the charter of the city of New-York," be referred to a select committee composed of the New-York delegation, to report complete.

In pursuance of previous notice Mr. W. Butts asked for and ob-



tained leave to bring in a bill entitled "An act to reduce the rate of interest in this state," which was read the first time, and by unanimous was also read the second time.

Mr. Butts moved said bill be referred to a select committee.

Mr. Campbell moved said bill be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Campbell, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Butts, and it was determined in the affirmative.

*Ordered*, That Mr. Wesley Butts, Mr. Campbell, Mr. Mowry, Mr. Elderkin, and Mr. Skeel be such select committee.

In pursuance of previous notice Mr. Markel asked for and obtained leave to bring in a bill entitled "An act to authorise town clerks to administer oaths in certain cases," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

In pursuance of previous notice Mr. Wells asked for and obtained leave to bring in a bill entitled "An act for reincorporating the Methodist Episcopal church, garretson station, Albany," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on charitable and religious societies.

Leave of absence was granted to Mr. Kelsey, Mr. McNeal, and Mr. Richards for 10 days each; Mr. Van Orden and Mr. M. Johnson for 7 days each; Mr. Perley and Mr. Pease for one week each; Mr. Roblee for 8 days; Mr. Ward for 6 days and Mr. Green for 4 days.

Mr. Rose gave notice of his intention to introduce a bill to supply the several county clerks' offices in this state with the reports of the supreme court.

Mr. Rose gave notice that he would ask leave to introduce a bill providing for the supply to each school district library of this State of a copy of the session laws, and to abolish the present mode of publishing the laws in newspapers.

Mr. Dodge gave notice, that at some early day he would ask leave to introduce a bill relative to the code of procedure and amenatory of the same.

Mr. Boughton gave notice that he would at an early day ask leave to introduce a bill to amend title 10th, chapter 8th of part 3d of the Revised Statutes, in relation to summary proceedings to recover possession of land.

The House then resolved itself into a committee of the whole on the bill, entitled "An act authorising the canal board to hear and determine the claim of Washington Thurman, Warren Mills and Benjamin A. Towner, for damages sustained by them in the sinking of a canal boat," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Gilbert from said committee, reported

that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to erect the town of Shongo from the towns of Independence and Scio, in the county of Allegany;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. McLean from said committee, reported progress and asked for and obtained leave to sit again.

The hour of twelve o'clock having arrived, pursuant to title 6, article 4, of the 6th chapter of the first part of the Revised Statutes of this State, and agreeable to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Senator to represent this State in the Senate of the Congress of the United States in the place of John A. Dix, whose term of service will expire on the 4th day of March, 1849; when each member openly nominated as follows, to wit:

FOR WILLIAM H. SEWARD.

Mr. B. Allen	Mr. Gove	Mr. Roblee
Mr. Averill	Mr. Graham	Mr. A. Robertson
Mr. Bagley	Mr. Green	Mr. W. H. Robertson
Mr. Bailey	Mr. Guernsey	Mr. Rockwell
Mr. Boardman	Mr. Hale	Mr. Rose
Mr. Boughton	Mr. Hall	Mr. Rounseville
Mr. Bowen	Mr. Hammond	Mr. Sexton
Mr. Boyce	Mr. Harmon	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Slocum
Mr. Budd	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bull	Mr. Hudson	Mr. W. S. Smith
Mr. Bush	Mr. A. Johnson	Mr. Speaker
Mr. W. Butts	Mr. M. Johnson	Mr. Stevenson
Mr. Buxton	Mr. Kelsey	Mr. Stewart
Mr. Campbell	Mr. Kennedy	Mr. Strever
Mr. Carver	Mr. Kidd	Mr. Stryker
Mr. Clark	Mr. Leavenworth	Mr. Sweet
Mr. Crispell	Mr. McKinney	Mr. Terry
Mr. Crittenden	Mr. McLean	Mr. B. Thompson
Mr. Cross	Mr. McNeal	Mr. A. Tuttle
Mr. Culbert	Mr. Maine	Mr. H. C. Tuthill
Mr. Curtis	Mr. Markel	Mr. Van Auker
Mr. Danforth	Mr. Mersereau	Mr. Van Orden
Mr. Disosway	Mr. Moffatt	Mr. Varnum
Mr. Dodge	Mr. Mowry	Mr. Vincent
Mr. Fish	Mr. Pardee	Mr. Ward
Mr. Fiske	Mr. Pease	Mr. Wells
Mr. Fitzhugh	Mr. Perley	Mr. White
Mr. Folger	Mr. Pierce	Mr. Whittaker
Mr. Gates	Mr. Porter	Mr. Willard
Mr. A. Gilbert	Mr. Prescott	Mr. Wing

Mr. L. M. Gilbert	Mr. Pruyn	Mr. Wisewell	
Mr. Glass	Mr. Raynor	Mr. Woodruff	
Mr. Goff	Mr. Richards	Mr. Young	102

## FOR JOHN A. DIX.

Mr. Bellinger	Mr. Fox	Mr. Quackenboss	
Mr. Bogart	Mr. Goddard	Mr. Stevens	
Mr. Button	Mr. Marsh	Mr. J. E. Thompson	
Mr. Elderkin	Mr. Nash	Mr. Wheaton	
Mr. Elwood	Mr. Picket	Mr. Wilcox	15

## FOR REUBEN H. WALWORTH.

Mr. H. J. Allen	Mr. Noble	Mr. Smalley	
Mr. Barber	Mr. St. John	Mr. Taylor	
Mr. L. Butts			7

Thereupon,

On motion of Mr. Bowen,

*Resolved*, That William H. Seward be and he is hereby nominated on the part of the Assembly a senator to represent this state in the Senate of the Congress of the United States, for six years from the fourth day of March, 1849, to fill the vacancy which will occur on that day by the expiration of the term of service of John A. Dix.

Pursuant to title third of the fifth chapter, of the first part of the Revised Statutes, and agreeably to the concurrent resolution of the Senate and Assembly, the House proceeded to nominate a Regent of the University in the place of Elisha Jenkins, deceased, when each member present openly nominated as follows, to wit:

## FOR PHILIP S. VAN RENSSELAER.

Mr. B. Allen	Mr. Gove	Mr. Roblee
Mr. Averill	Mr. Graham	Mr. A. Robertson
Mr. Bagley	Mr. Green	Mr. W. H. Robertson
Mr. Bailey	Mr. Guernsey	Mr. Rockwell
Mr. Boardman	Mr. Hale	Mr. Rose
Mr. Boughton	Mr. Hall	Mr. Rounseville
Mr. Bowen	Mr. Hammond	Mr. Sexton
Mr. Boyce	Mr. Harmon	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Slocum
Mr. Budd	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bull	Mr. Hudson	Mr. W. S. Smith
Mr. Bush	Mr. A. Johnson	Mr. Speaker
Mr. W. Butts	Mr. M. Johnson	Mr. Stevenson
Mr. Buxton	Mr. Kelsey	Mr. Stewart
Mr. Campbell	Mr. Kennedy	Mr. Strever
Mr. Carver	Mr. Kidd	Mr. Stryker
Mr. Clark	Mr. Leavenworth	Mr. Sweet
Mr. Crispell	Mr. McKinney	Mr. Terry
Mr. Crittenden	Mr. McLean	Mr. B. Thompson
Mr. Cross	Mr. McNeal	Mr. A. Tuttle

Mr. Culbert	Mr. Maine	Mr. H. C. Tuthill
Mr. Curtis	Mr. Markel	Mr. Van Auken
Mr. Danforth	Mr. Mersereau	Mr. Van Orden
Mr. Disosway	Mr. Moffatt	Mr. Varnum
Mr. Dodge	Mr. Mowry	Mr. Vincent
Mr. Fish	Mr. Pardee	Mr. Ward
Mr. Fiske	Mr. Pease	Mr. Wells
Mr. Fitzhugh	Mr. Perley	Mr. White
Mr. Folger	Mr. Pierce	Mr. Whittaker
Mr. Gates	Mr. Porter	Mr. Willard
Mr. A. Gilbert	Mr. Prescott	Mr. Wing
Mr. L. M. Gilbert	Mr. Pruyu	Mr. Wisewell
Mr. Glass	Mr. Raynor	Mr. Woodruff
Mr. Goff	Mr. Richards	Mr. Young

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FOR CHURCHILL C. CAMBRELLAG.

Mr. Bellinger	Mr. Fox	Mr. Quackenboss
Mr. Bogart	Mr. Goddard	Mr. Stevens
Mr. Button	Mr. Marsh	Mr. J. E. Thompson
Mr. Elderkin	Mr. Nash	Mr. Wheaton
Mr. Elwood	Mr. Picket	Mr. Wilcox

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FOR JAMES T. BRADY.

Mr. H. J. Allen	Mr. Noble	Mr. Smalley
Mr. Barber	Mr. St. John	Mr. Taylor
Mr. L. Butts		

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Thereupon,

On motion of Mr. Pruyn,

*Resolved*, That Philip S. Van Rensselaer be and he is hereby nominated on the part of the Assembly a Regent of the University, in the place of Elisha Jenkins, deceased.

On motion of Mr. Pruyn,

*Resolved*, (if the Senate concur,) That the Assembly will immediately meet the Senate in the Assembly chamber to compare their respective nominations for the office of Senator in Congress and Regent of the University.

A message from the Senate was received and read, informing that they do concur with the House in the foregoing resolution.

Thereupon,

The Senate accordingly attended in the Assembly chamber, and on comparing their respective nominations for the office of Senator in Congress; they were found to agree in the name of William H. Seward: thereupon, William H. Seward was declared duly elected a Senator in the Congress of the United States, for the term of six years from the fourth of March next.

The Senate having also attended in the Assembly chamber to compare the respective nominations for Regent of the University, they were found to agree in the name of Philip S. Van Rensselaer: whereupon, Philip S. Van Rensselaer was declared duly elected a Regent of the University, in the place of Elisha Jenkins, deceased.

Thereupon, the Senate withdrew from the Assembly chamber.

Mr. W. H. Robertson moved the House adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. H. Robertson, and it was determined in the negative.

{ AYES 40 }  
{ NAYS 67 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hart	Mr. Skeel
Mr. H. J. Allen	Mr. Hoyt	Mr. Smalley
Mr. Averill	Mr. Kelsey	Mr. Speaker
Mr. Barber	Mr. McNeal	Mr. Stevens
Mr. Bogart	Mr. Maine	Mr. Stevenson
Mr. Budd	Mr. Mersereau	Mr. Terry
Mr. Bull	Mr. Mowry	Mr. J. E. Thompson
Mr. Buxton	Mr. Pardee	Mr. A. Tuttle
Mr. Crittenden	Mr. Pease	Mr. Van Auken
Mr. Danforth	Mr. Quackenboss	Mr. Van Orden
Mr. Disosway	Mr. Richards	Mr. Vincent
Mr. Fox	Mr. W. H. Robertson	Mr. Ward
Mr. Graham	Mr. Sexton	Mr. Willard
Mr. Hale		

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Those who voted in the negative are,

Mr. Bagley	Mr. L. M. Gilbert	Mr. Pruyn
Mr. Bellinger	Mr. Glass	Mr. Raynor
Mr. Boardman	Mr. Goddard	Mr. A. Robertson
Mr. Boughton	Mr. Guernsey	Mr. Rose
Mr. Bowen	Mr. Hall	Mr. Rounseville
Mr. Boyce	Mr. Hammond	Mr. St. John
Mr. Bush	Mr. Harmon	Mr. Slocum
Mr. L. Butts	Mr. Hudson	Mr. L. Ward Smith
Mr. W. Butts	Mr. A. Johnson	Mr. Stewart
Mr. Campbell	Mr. M. Johnson	Mr. Strever
Mr. Carver	Mr. Kennedy	Mr. Stryker
Mr. Crispell	Mr. Kidd	Mr. Sweet
Mr. Cross	Mr. McKinney	Mr. Taylor
Mr. Curtis	Mr. McLean	Mr. B. Thompson
Mr. Dodge	Mr. Marsh	Mr. H. C. Tuthill
Mr. Elderkin	Mr. Nash	Mr. Varnum
Mr. Elwood	Mr. Noble	Mr. Wells
Mr. Fish	Mr. Perley	Mr. Wheaton
Mr. Fiske	Mr. Pickett	Mr. Wilcox
Mr. Fitzhugh	Mr. Pierce	Mr. Wisewell
Mr. Folger	Mr. Porter	Mr. Woodruff
Mr. Gates	Mr. Prescott	Mr. Young
Mr. A. Gilbert		

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The House then resolved itself into a committee of the whole on the bill, entitled "An act authorising the appraisal and payment of canal damages to Henry P. Alexander, David Tomlinson and others," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Crittenden from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

The House then resolved itself into a committee of the whole on the bill, entitled "An act for the payment of money to the heirs of William Gall, deceased, for land given to him for his services as a revolutionary soldier," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. L. M. Gilbert, from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend an act to incorporate the East River Savings Institution, passed April 11, 1848," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pease from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act appropriating money to the St. Lawrence Academy," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Stewart from said committee reported progress.

Mr. Elderkin moved the said bill be referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Elderkin, and it was determined in the affirmative.

*Ordered*, That Mr. Elderkin, Mr. W. S. Smith, Mr. Pruyn, Mr. Button and Mr. Rose be such select committee.

The House then resolved itself into a committee of the whole on the bill entitled "An act to regulate fisheries in the town of Rosendale, in the county of Ulster," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Raynor from said committee, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

On motion of Mr. Wing,

*Resolved*, That the use of the Assembly Chamber be granted to the State medical Society to-morrow evening for the purpose of holding their annual meeting.

Mr. Buxton moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Buxton, and it was determined in the negative.

{ AYES 61 }  
{ NAYS 37 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Averill	Mr. Hale	Mr. Perley
Mr. Bagley	Mr. Hall	Mr. Porter
Mr. Boardman	Mr. Hammond	Mr. Prescott
Mr. Budd	Mr. Hoyt	Mr. Quackenboss
Mr. Campbell	Mr. A. Johnson	Mr. A. Robertson
Mr. Carver	Mr. M. Johnson	Mr. Rounseville
Mr. Crittenden	Mr. Leavenworth	Mr. Skeel
Mr. Culbert	Mr. McKinney	Mr. Slocum
Mr. Dodge	Mr. McLean	Mr. Stevenson
Mr. Gates	Mr. Marsh	Mr. Wheaton
Mr. A. Gilbert	Mr. Moffatt	Mr. Wing
Mr. L. M. Gilbert	Mr. Pease	Mr. Wisewell
Mr. Goddard		

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Those who voted in the negative are,

Mr. B. Allen	Mr. Fish	Mr. St. John
Mr. H. J. Allen	Mr. Fiske	Mr. Smalley
Mr. Barber	Mr. Fitzhugh	Mr. L. Ward Smith
Mr. Beekman	Mr. Glass	Mr. W. S. Smith
Mr. Bellinger	Mr. Graham	Mr. Stevens
Mr. Bogart	Mr. Green	Mr. Stewart
Mr. Brinkerhoff	Mr. Hudson	Mr. Sweet
Mr. Brewer	Mr. Kennedy	Mr. Taylor
Mr. Bull	Mr. Kidd	Mr. Terry
Mr. Bush	Mr. McNeal	Mr. B. Thompson
Mr. Button	Mr. Maine	Mr. J. E. Thompson
Mr. L. Butts	Mr. Nash	Mr. A. Tuttle
Mr. W. Butts	Mr. Noble	Mr. H. C. Tuthill
Mr. Buxton	Mr. Picket	Mr. Varnum
Mr. Clark	Mr. Pierce	Mr. Wells
Mr. Cornell	Mr. Pruyn	Mr. White
Mr. Crispell	Mr. Raynor	Mr. Whittaker
Mr. Cross	Mr. W. H. Robertson	Mr. Wilcox
Mr. Curtis	Mr. Rockwell	Mr. Woodruff
Mr. Danforth	Mr. Rose	Mr. Young
Mr. Elderkin		

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Mr. Buxton moved the House reconsider its vote on his motion to adjourn.

Mr. Perley moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Perley, and it was determined in the affirmative.

{ AYES 51 }  
{ NAYS 35 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Picket
Mr. H. J. Allen	Mr. Goddard	Mr. Porter
Mr. Bagley	Mr. Hale	Mr. Prescott
Mr. Brinkerhoff	Mr. Hall	Mr. Pruyn
Mr. Bull	Mr. Hammond	Mr. Raynor
Mr. Buxton	Mr. Hoyt	Mr. A. Robertson
Mr. Carver	Mr. Hudson	Mr. Rounseville
Mr. Crispell	Mr. A. Johnson	Mr. St. John
Mr. Crittenden	Mr. M. Johnson	Mr. Sexton
Mr. Cross	Mr. Kennedy	Mr. Skeel
Mr. Culbert	Mr. Leavenworth	Mr. Slocum
Mr. Danforth	Mr. McKinney	Mr. L. Ward Smith
Mr. Dodge	Mr. Marsh	Mr. Stevenson
Mr. Fiske	Mr. Noble	Mr. B. Thompson
Mr. Fitzhugh	Mr. Pardee	Mr. H. C. Tutbill
Mr. A. Gilbert	Mr. Pease	Mr. Willard
Mr. L. M. Gilbert	Mr. Perley	Mr. Wisewell

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Those who voted in the negative are,

Mr. Averill	Mr. Curtis	Mr. J. E. Thompson
Mr. Barber	Mr. Naah	Mr. A. Tuttle
Mr. Beekman	Mr. Pierce	Mr. Varnum
Mr. Bellinger	Mr. W. H. Robertson	Mr. Vincent
Mr. Bogart	Mr. Rockwell	Mr. Wells
Mr. Brewer	Mr. Smalley	Mr. White
Mr. Budd	Mr. W. S. Smith	Mr. Whittaker
Mr. Button	Mr. Stevens	Mr. Wilcox
Mr. L. Butts	Mr. Stewart	Mr. Wing
Mr. Campbell	Mr. Sweet	Mr. Woodruff
Mr. Clark	Mr. Taylor	Mr. Young
Mr. Cornell	Mr. Terry	

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While the vote on the motion to adjourn was being taken, Mr. Brewer moved a call of the House.

Mr. Speaker decided the motion for a call of the House to be out of order.

From this decision Mr. Brewer appealed.

Mr. Speaker decided the appeal to be out of order.

And then, at 2 o'clock p. m.,

The House adjourned.



## WEDNESDAY, FEBRUARY 7, 1849.

The House met pursuant to adjournment.

Mr. W. S. Smith acting as Speaker, by appointment, under the 7th rule of the House.

Prayer by the Rev. Dr. Kennedy.

The minutes of yesterday were read and approved:

Mr. Willard presented two several petitions of sundry inhabitants of Steuben county, praying for a division of that county, and remonstrating against the erection of a county from parts of Steuben and Allegany, which were read and referred to the committee on the erection and division of towns and counties.

Mr. B. Thompson presented three several petitions of Geo. Bailey and other inhabitants of Erie co., for a law making the clerk's office in that county a salary office, which were read, and referred to the committee of the whole when on the bill upon that subject.

Mr. Gove presented the petition of sundry inhabitants of Franklin co., praying that the Northern Railroad Company be authorised to build a bridge across Lake Champlain near Rouse's Point, which was read and referred to the select committee on that subject.

Mr. Bellinger presented the petition of sundry inhabitants of Newport, Herkimer co., praying for the abolition of capital punishment, which was read and laid upon the table.

Mr. L. Ward Smith presented the petition of Filas Brill, for an act canceling his contract with the canal commissioners, which was read and referred to the committee on canals.

Mr. Kennedy presented the petition of sundry inhabitants of Ballston and Clifton Park, in Saratoga co., for an act establishing the lines of said towns, which was read and referred to the committee on the erection and division of towns and counties.

Mr. L. M. Gilbert presented the remonstrance of sundry inhabitants of the town of Cherry Valley, against the division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Hudson presented the petition of Charles Ehle, for a law authorising the appraisal and payment of certain canal damages caused by the overflowing of the Erie canal, which was read and referred to the committee on canals.

Mr. McLean presented the petition of sundry inhabitants of Caledonia and Wheatland, praying for an act authorising said towns to make provision at their annual town meetings for the destruction of noxious weeds in those towns, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Bush presented the petition of the Cohecton Bridge Company, in the county of Sullivan, for a law amending the charter of said company, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Culbert presented the petition of sundry citizens of Fulton co., praying for a law giving to each member of boards of supervisors a vote in proportion to the population of the towns they represent, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. W. H. Robertson presented the petition of sundry inhabitants of the village of Tarrytown, in the county of Westchester, praying for the establishment of free schools throughout the state, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Slocum presented the resolution of the mayor and common council of the city of Syracuse, in relation to the construction of a bridge over the Erie canal at Franklin street, in that city, which was read and referred to the canal commissioners.

Mr. L. Ward Smith presented the petition of sundry inhabitants of Rochester, praying for a reduction of tolls upon foreign salt, and to place it on the same footing as salt of domestic manufacture, which was read and referred to the committee on canals.

Mr. Pardee presented the petition of sundry citizens of Oakfield, Genesee co., praying for an act allowing railroads to convey fresh provisions and live stock without the payment of tolls, which was read and referred to the committee on canals.

Mr. Slocum presented the petition of David Smith and Geo. Webster, Onondaga chiefs, praying for an act to prevent fraud in making a census of the Indians, and for the more effectual distribution of the funds belonging to their nation, which was read and referred to the committee on Indian affairs.

Mr. Rose presented the petition of the supervisors of Wyoming co., praying for a law changing the time of the annual meeting of said board, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Danforth presented the petition of sundry inhabitants of the towns of Broome and Middleburgh, to annex part of the town of Middleburgh to the town of Broome, in Schoharie, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. L. Ward Smith presented three several petitions of sundry inhabitants of Monroe, Ontario, and adjoining counties, praying for a law prohibiting the killing of partridges, quail and woodcock at certain periods, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Crispell presented seven several petitions of sundry inhabitants of Ulster co., praying for a law prohibiting the use of drift nets in the Hudson river north of the city of New-York, which were read and referred to the select committee on that subject.

Mr. Crispell presented six remonstrances of sundry inhabitants of Ulster co., against a law prohibiting the use of drift nets in the Hudson river, which were read and referred to the select committee on that subject.

Messrs. Culbert and L. Ward Smith presented two several petitions of sundry inhabitants of Fulton and Niagara counties, praying

for a law authorising the sale of lands sold for taxes, to be held in the counties in which such lands are situated, which were read and referred to the select committee on that subject.

Mr. Culbert presented the petition of sundry citizens of Johnstown, Fulton co., praying for an act authorising the Fultonville and Johnstown Plank Road Company to bridge the Mohawk river, which was read and committed to the committee of the whole House when on the bill upon that subject.

Mr. Sweet from the committee on the judiciary to which was referred the bill entitled "An act to reduce the rate of interest," reported that the committee had had said bill under consideration, and came to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Sweet from the committee on the judiciary, to which was referred the petition of sundry inhabitants of Chautauque co., praying for a law to require the county judge and surrogate to keep their offices at the county seat, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Sweet, from the committee on the judiciary to which was referred the petition of sundry inhabitants of Westerlo, Albany co., for a law to prohibit the collection of rents on the different manorial lands in this state, until the question of title now under investigation shall be decided, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act authorising the canal board to hear and determine the claim of Washington Thurman, Warren Mills and Benjamin A. Towner, for damages sustained by them in the sinking of a canal boat."

"An act authorising the appraisal and payment of canal damages to Henry P. Alexander, David Tomlinson and others."

"An act to regulate fisheries in the town of Rosendale in the county of Ulster."

And found the same severally correctly engrossed.

*Ordered*, That the said bills be engrossed for a third reading.

Mr. Bowen, from the committee on trade and manufactures, to

which was referred the bill entitled "An act to amend an act to authorise the formation of the Niagara Suspension Bridge House Company," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Disosway from the committee on banks and insurance companies to which was referred a resolution of this House directing said committee to report a bill requiring the Comptroller to destroy the plates of broken safety fund banks, reported, and asked and obtained leave to introduce a bill, entitled "An act concerning bank note plates," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred the engrossed bill from the Senate, entitled "An act to authorise the Comptroller to issue registered notes in lieu of unregistered ones in certain cases," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the petition of inhabitants of the town of Canajoharie for the annexation of a part of said town to the town of Minden, reported, and asked and obtained leave to introduce a bill, entitled "An act to annex part of the town of Canajoharie to the town of Minden," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Noble from the committee on the judiciary to which was referred the petition of inhabitants of Hancock and Tompkins, Delaware co., for the renewal of an act to appoint commissioners to lay out a road from Cannonsville to Shehocking, reported against the prayer of the petitioners and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved,* That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Goddard from the committee on the erection and division of towns and counties to which was referred the bill, entitled "An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Elderkin, from the select committee, to which was referred the bill, entitled "An act appropriating money to the St. Lawrence

academy," to report complete, reported, that the committee had gone through said bill and agreed to the same with amendments, and altered the title so as to read, "An act for the relief of the St. Lawrence academy, and to increase the number of its trustees," which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Bowen from the select committee to which was referred the bill, entitled "An act to amend the charter of the city of New-York," to report complete, reported that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for its third reading.

A communication was received from the commissioners of the canal fund, in the words following, to wit:

CANAL DEPARTMENT, }  
Albany, Feb. 6, 1849. }

*To the Speaker of the Assembly.*

SIR: We have the honor herewith to transmit the annual report of the commissioners of the canal fund for the year 1848.

We are, very respectfully,

Your obedient servants,

CHRISTOPHER MORGAN,  
MILLARD FILLMOE,  
ALYAH HUNT,  
A. L. JORDAN.

(See Doc. No. 100.)

Mr. Fitzhugh moved that ten times the usual number of said report be printed for the use of the Legislature and 250 for the commissioners of the canal fund.

*Ordered,* That the said motion be referred to the committee on public printing.

A message from the Senate was received and read, informing that they do non-concur in the passage of the bill therewith returned, entitled "An act to authorise the payment of certain canal damages to Avery Z. Kingsley, executor of Amos Kingsley."

A message from the Senate was received and read, informing that they have concurred in the amendment of the House to the bill, entitled "An act to repeal the act entitled, 'An act to change the name of the corporation of the trustees of the fund of the Genesee conference,' passed March 24, 1829, and for other purposes."

*Ordered,* That the Clerk return the said bill to the Senate.

A message from the Senate was received and read, informing that they had passed without amendment the bill therewith returned, entitled "An act to vest certain special powers in the justices of the supreme court, heretofore vested in the vice chancellors of this State."

*Ordered,* That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, informing that they do non-concur in the passage of the bill therewith returned,

entitled "An act directing the printing and distribution of the laws relating to the poor, and to amend chapter two hundred and fourteen of the laws of 1842."

The engrossed bill, entitled "An act authorising the appraisal and payment of canal damages to Henry P. Alexander, David Tomlinson and others," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 96 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Quackenboss
Mr. H. J. Allen	Mr. Fitzbugh	Mr. Raynor
Mr. Averill	Mr. Gates	Mr. A. Robertson
Mr. Bailey	Mr. A. Gilbert	Mr. W. H. Robertson
Mr. Beekman	Mr. L. M. Gilbert	Mr. Rockwell
Mr. Bellinger	Mr. Glass	Mr. Rose
Mr. Boardman	Mr. Goddard	Mr. Rounseville
Mr. Bogart	Mr. Graham	Mr. St. John
Mr. Boughton	Mr. Guernsey	Mr. Skeel
Mr. Boyce	Mr. Hall	Mr. Smalley
Mr. Brinkerhoff	Mr. Hammond	Mr. W. S. Smith
Mr. Brewer	Mr. Harmon	Mr. Stevens
Mr. Buird	Mr. Hart	Mr. Stewart
Mr. Bull	Mr. Hoyt	Mr. Strever
Mr. Button	Mr. Hudson	Mr. Sweet
Mr. L. Butts	Mr. A. Johnson	Mr. Taylor
Mr. W. Butts	Mr. Kennedy	Mr. Terry
Mr. Buxton	Mr. Kidd	Mr. B. Thompson
Mr. Campbell	Mr. Leavenworth	Mr. J. E. Thompson
Mr. Carver	Mr. McKinney	Mr. A. Tuttle
Mr. Clark	Mr. McLean	Mr. H. C. Tuthill
Mr. Cornell	Mr. Markel	Mr. Van Auken
Mr. Crispell	Mr. Marsh	Mr. Van Orden
Mr. Crittenden	Mr. Moffatt	Mr. Varnum
Mr. Cross	Mr. Nash	Mr. Vincent
Mr. Culbert	Mr. Noble	Mr. Wheaton
Mr. Danforth	Mr. Pardee	Mr. Whittaker
Mr. Disosway	Mr. Picket	Mr. Willard
Mr. Dodge	Mr. Pierce	Mr. Wilcox
Mr. Elderkin	Mr. Porter	Mr. Wisewell
Mr. Elwood	Mr. Prescott	Mr. Woodruff
Mr. Fish	Mr. Prayn	Mr. Young

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Ordered, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act authorising the canal board to hear and determine the claim of Washington Thurman, Warren Mills and Benjamin A. Towner, for damages sustained by them in the sinking of a canal boat," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fish	Mr. Quackenboss
Mr. H. J. Allen	Mr. Fiske	Mr. A. Robertson
Mr. Averill	Mr. Fitzhugh	Mr. Rose
Mr. Bailey	Mr. Gates	Mr. Rounseville
Mr. Beekman	Mr. A. Gilbert	Mr. St. John
Mr. Bellinger	Mr. L. M. Gilbert	Mr. Skeel
Mr. Boardman	Mr. Glass	Mr. Smalley
Mr. Bogart	Mr. Goddard	Mr. W. S. Smith
Mr. Boyce	Mr. Guernsey	Mr. Stevens
Mr. Brinkerhoff	Mr. Hall	Mr. Stewart
Mr. Brewer	Mr. Hammond	Mr. Sweet
Mr. Budd	Mr. Harmon	Mr. Taylor
Mr. Bull	Mr. Hart	Mr. Terry
Mr. Button	Mr. Hoyt	Mr. B. Thompson
Mr. L. Butts	Mr. Hudson	Mr. J. E. Thompson
Mr. W. Butts	Mr. A. Johnson	Mr. A. Tuttle
Mr. Buxton	Mr. Kennedy	Mr. H. C. Tuthill
Mr. Campbell	Mr. Kidd	Mr. Van Auken
Mr. Carver	Mr. Leavenworth	Mr. Van Orden
Mr. Cornell	Mr. McKinney	Mr. Varnum
Mr. Crispell	Mr. McLean	Mr. Vincent
Mr. Crittenden	Mr. Moffatt	Mr. Wells
Mr. Cross	Mr. Nash	Mr. Wheaton
Mr. Culbert	Mr. Noble	Mr. Whittaker
Mr. Curtis	Mr. Pardee	Mr. Willard
Mr. Danforth	Mr. Pickett	Mr. Wilcox
Mr. Disosway	Mr. Pierce	Mr. Wisewell
Mr. Dodge	Mr. Porter	Mr. Woodruff
Mr. Elderkin	Mr. Prescott	Mr. Young
Mr. Elwood	Mr. Pruyn	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to regulate fisheries in the town of Rosendale, in the county of Ulster," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirma-

tive, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 86 }  
{ NAYS 02 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. Rayner
Mr. H. J. Allen	Mr. Folger	Mr. A. Robertson
Mr. Averill	Mr. Gates	Mr. Rockwell
Mr. Bailey	Mr. A. Gilbert	Mr. Rose
Mr. Beekman	Mr. L. M. Gilbert	Mr. St. John
Mr. Bellinger	Mr. Glass	Mr. Sexton
Mr. Boardman	Mr. Goddard	Mr. Skeel
Mr. Bogart	Mr. Hall	Mr. Smalley
Mr. Boughton	Mr. Hammond	Mr. W. S. Smith
Mr. Bowen	Mr. Harmon	Mr. Stevens
Mr. Brinkerhoff	Mr. Hart	Mr. Stewart
Mr. Brewer	Mr. Hoyt	Mr. Sweet
Mr. Bush	Mr. Hudson	Mr. Taylor
Mr. Button	Mr. A. Johnson	Mr. Terry
Mr. L. Butts	Mr. Kennedy	Mr. B. Thompson
Mr. W. Butts	Mr. Kidd	Mr. J. E. Thompson
Mr. Buxton	Mr. Leavenworth	Mr. A. Tuttle
Mr. Campbell	Mr. McKinney	Mr. H. C. Tuthill
Mr. Carver	Mr. McLean	Mr. Van Auken
Mr. Clark	Mr. Markel	Mr. Varnum
Mr. Crittenden	Mr. Marsh	Mr. Wheaton
Mr. Cross	Mr. Moffatt	Mr. White
Mr. Culbert	Mr. Noble	Mr. Whittaker
Mr. Curtis	Mr. Pardee	Mr. Willard
Mr. Danforth	Mr. Picket	Mr. Wilcox
Mr. Disoway	Mr. Porter	Mr. Wisewell
Mr. Elderkin	Mr. Prescott	Mr. Woodruff
Mr. Fish	Mr. Pruyn	Mr. Young
Mr. Fiske	Mr. Quackenboss	

Those who voted in the negative are,

Mr. Pierce                      Mr. Rounseville

Ordered, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Fitzhugh.

The House proceeded to the consideration of the resolution heretofore offered by Mr. Dodge, in the words following, to wit:

Resolved, That the second report of the commissioners on practice and pleadings, containing amendments to the code of procedure, be committed the committee on the judiciary.

The question being on the motion of Mr. Willard to amend by striking out all after the word "resolved" and insert the words that the second, third, and fourth reports of the commissioners on prac-



tice and pleadings be referred to the committee of the whole House.

Debate was had thereon, when

Mr. Willard withdrew his said amendment.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Pruyn,

*Resolved*, That a respectful message be sent to the Hon. the Senate, with a request that the memorial of the Chamber of Commerce relative to the fees of the health officer, be transmitted to this House, and that when received, said memorial be referred to the standing committee on commerce and navigation.

On motion of Mr. Hudson,

*Resolved*, That a respectful message be sent to the Senate, requesting that the papers in relation to the claim of Charles Ehle, of Canajoharie, Montgomery county, be taken from the files of the Senate, and transmitted to this House.

Mr. Taylor offered for the consideration of the House concurrent resolution in the following words, to wit:

*Resolved*, That the committee on militia and public defence, to which was referred the concurrent resolution proposing the presentation of a sword to Col. Wm. W. S. Bliss, be and they are hereby requested to report upon the same at their earliest convenience.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Curtis offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Commissioners of the Land Office be respectfully requested to report to this House the quantity of land ceded by the Orchard party of Oneida Indians to the state in the Oneida purchases of 1830, 1834, 1841, May 1842 and June 1842; the number of the emigrating and home parties in each of those years; whether Jenny Dockstater and Sophia her daughter, were enrolled among the emigrating or home parties under either of the treaties made about the time of the above cession; and farther report what lands the Orchard party of the Oneidas hold within this state, and the names of the owners.

Also report the amount due to Jacob Smith and Polly Smith for their improvements under the treaty of 1829, and sold in the year 1830; if paid to them, or either of them, by whom; what vouchers therefor, and when given.

*Ordered*, That the said resolution be laid on the table.

Mr. Van Auken gave notice that he would at some future day ask leave to introduce a bill to amend title first, of chapter seventeen, of the first part of the Revised Statutes entitled "Of sales by auctioneers."

On motion of Mr. Disosway,

*Resolved*, That it be referred to the committee on banks and insurance companies, to enquire into the expediency of amending the act passed May 9, 1835, entitled "An act relative to unclaimed bank dividends and deposits," by extending its operation to all other com-

panies or associations organized or doing business under the laws of this state.

On motion of Mr. Nash,

The house proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, (if the Senate concur,) That the State Engineer and Surveyor be authorized to prepare a map of this state on a large scale, on which shall be delineated the line of every railroad and canal now constructed, or in progress of construction, and also the lines of projected railroads and canals; one copy of said map to be hung in the cloak-room of the Assembly Chamber, and the other in the cloak-room of the Senate: provided however that the cost of preparing the same shall not exceed the sum of two hundred dollars.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

In pursuance of previous notice, Mr. Cross asked and obtained leave to introduce a bill, entitled "An act to incorporate the Williamsburgh Ferry company," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. Fitzhugh asked for and obtained leave to introduce a bill, entitled "An act to amend an act, entitled 'An act to organize and establish a recorder's court in the city of Oswego,' passed April 12, 1848," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Dodge asked and obtained leave to introduce a bill, entitled "An act to amend the code of procedure," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

Leave of absence was granted to Mr. Hall for nine days, to Mr. Hale for six days, to Mr. Bagley for five days, and to Mr. Stevenson for four days.

On motion of Mr. L. Ward Smith,

*Resolved*, That the select committee on assessments and sale of lands for taxes be discharged from the consideration of the petition of inhabitants of Steuben for a law taxing debts due to non-resident aliens, and that the same be referred to the committee on the judiciary.

Mr. B. Thompson gave notice that he would at an early day introduce a bill to amend the act requiring compensation for causing death by wrongful act, neglect or default, passed December 13, 1847.

Mr. Bailey gave notice of his intention at some early day to introduce a bill to repeal all laws allowing costs to the prevailing party in courts of record.

On motion of Mr. Beekman,

*Resolved*, That it be made the duty of a special committee to en-

quire and report to this House, as to the propriety of purchasing a dwelling house for the use of the Governors of this State.

*Ordered*, That Mr. Beekman, Mr. Campbell, Mr. Rockwell, Mr. L. Ward Smith and Mr. Pruyn be said committee.

On motion of Mr. Noble,

*Resolved*, That the papers on file in this House, in relation to the matters of David Cornell and Ransom Clark, late commissioners of highways of the town of Guilford, be taken therefrom and referred to the committee on grievances.

Mr. Fish offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the judiciary committee who submitted the minority report No. 51, upon the bill providing for the continuance in office of the present commissioners on practice and pleadings, be requested to report to this House the title of the cause referred to in the schedule annexed to said report, entitled "in partition" "supreme court in equity before the late vice-chancellor of the 1st circuit," who the attorneys, solicitors and counsellors in said cause were; what officer taxed the costs as set forth; what defences were set up, and whether different defences; and, if in the power of the committee, to furnish copies of said bills of costs; also, that he report whether said statement of said cause and bills of costs were inserted in or annexed to said report upon hearsay evidence of its correctness, or upon competent evidence.

*Ordered*, That the said resolution be laid on the table.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to erect the town of Shongo from the towns of Scio and Independence, in the county of Allegany," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. McLean from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to authorise the Schoharie Turnpike Road company to abandon a portion of their road," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Curtis from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to authorise Isabella Gilchrist to hold and convey real estate," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Leavenworth from said committee, reported progress and asked and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pierce from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend an act to enable resident aliens to hold and convey real estate, and for other purposes;" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fish from said committee reported progress and asked and obtained leave to sit again.

And then at two o'clock p. m.,

On motion of Mr. Stryker,  
The House adjourned.

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### THURSDAY, FEBRUARY 8, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Huntington.

The minutes of yesterday were read and approved.

Mr. Willard presented the petition of sundry inhabitants of the town of Scio, Allegany co., for an act authorising the construction of a bridge over the Genesee river at the village of Wellsville in said town, which was read and referred to the committee on roads and bridges.

Mr. Willard presented the petition of sundry inhabitants of Independence, in Allegany co., for a new town from parts of Scio and Independence in that county, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Willard presented the petition of sundry inhabitants of Allegany co., for a law authorising the removal of the county site of said county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Porter presented the petition of sundry inhabitants of the county of Ontario, for the passage of a law consolidating the seven distinct railroad corporations between Albany and Buffalo into one, which was read and referred to the committee on railroads.

Mr. Elwood presented the petition of sundry citizens of Verona, in Oneida co., for the abolition of capital punishment, which was read and laid on the table.

Mr. Fox presented four several petitions of sundry inhabitants of Oswego co., for an act authorising the construction of a free bridge across the Oswego river at the Oswego Falls, which were read and referred to the committee on roads and bridges.

Mr. Fox presented four several remonstrances of sundry citizens of Oswego co., against a law authorising the construction of a free bridge across the Oswego river at the Oswego Falls, which were read and referred to the committee on roads and bridges.

Mr. Quackenboss presented the petition of sundry citizens of the village of Jefferson and vicinity, for an act changing the location of

the junction of the Chemung canal with the Seneca Lake, which was read and referred to the committee on canals.

Mr. Harmon presented the petition of sundry citizens of Scottsville and vicinity, for an act authorising the appraisal and payment of certain damages done to a highway by the overflowing of the Genesee Valley canal, which was read and referred to the committee on canals.

Mr. Harmon presented the petition of sundry citizens of Monroe co., for an act abolishing the mayor's court of the city of Rochester, which was read and referred to the committee on the judiciary.

Mr. Tuttle presented two several petitions of sundry citizens of the village of Gilboa, in Schoharie co., for an act to incorporate the Gilboa aqueduct company, which were read and referred to the committee on trade and manufactures.

Mr. Mersereau presented two several petitions of sundry inhabitants of Steuben county, for a division of that county and against the erection of a new county from parts of Steuben and Allegany, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Danforth presented the petition of sundry inhabitants of Middleburgh, praying that a part of that town may be annexed to the town of Broome, in Schoharie co., which was read and referred to the committee on the erection and division of towns and counties.

Mr. Raynor presented the petition of Harriet R. Burt, for release of judgment held by the state against the estate of David Burt, deceased, which was read and referred to the Commissioners of the Land Office.

Mr. Varnum presented the petition of sundry inhabitants of the city of New-York, for certain amendments in the charters of the New-York and Harlem and the New-York and Albany railroad companies, which was read and referred to the committee on railroads.

Mr. Wells presented the petition of Amos Hunt and others, citizens of the towns of Day and Edinburgh, in the county of Saratoga, for the establishment of free schools throughout the state, which was read and referred to the committee on colleges, academies and common schools.

Mr. Boyce presented the petition of sundry citizens of Palmyra, for an amendment of the charter of that village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Boyce presented the remonstrance of sundry inhabitants of Palmyra, against any amendment in the charter of that village, which was read and referred to the committee on the incorporation of cities and villages.

Messrs. Goddard and Elderkin presented two several remonstrances of sundry inhabitants of Louisville, against annexing any part of their town to the town of Massena, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Averill presented the petition of sundry citizens of St. Johnsville and Minden, for a law authorising the building of a free bridge

across the Mohawk river, between said towns, which was read and referred to the committee on roads and bridges.

Mr. Bowen presented the petition of the trustees of the Utica steam cotton mills, for an extension of the time to fill up their stock, which was read and referred to the committee on trade and manufactures.

Messrs. Gove, Goddard, and Elderkin presented three several petitions of sundry inhabitants of Franklin and St. Lawrence counties, for an act to authorise the Northern Railroad Company to build a bridge across Lake Champlain near Rouse's Point, which were read and referred to the select committee on that subject.

Mr. Rose presented two remonstrances of sundry inhabitants of Wyoming co., against the bill to amend the Attica and Hornellsville railroad charter, which were read and referred to the committee on railroads.

Mr. Culbert presented the remonstrance of 55 citizens of Fultonville and vicinity, against the passage of any law interfering with the charter of the Caughnawaga Bridge Company, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Pruyn presented the petition of sundry citizens of Columbia, for a law to prevent the destruction of fish in the Steinee Kill, on Mulatto creek, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Speaker presented the petition of sundry citizens of Westchester co., praying for a law equalizing the representation in the boards of supervisors, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Markel presented the petition of John B. Avery and 114 other citizens of Seneca co., for a law providing for the sale of lands sold for taxes in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Harmon presented the petition of sundry inhabitants of Monroe co., for a law providing for the sale of lands, sold for taxes in the several counties in which such lands are situated, which was read and referred to the select committee on that subject.

Messrs. Elwood and Hall presented three several petitions of sundry inhabitants of Oneida and Tompkins counties, for the establishment of free schools throughout the state, which were read and referred to the committee on colleges, academies and common schools.

Messrs. Campbell and Disosway presented two several petitions of sundry citizens of the city of New-York and of Richmond county, for the removal of the Quarantine from Staten Island, which were read and referred to the committee on commerce and navigation.

Mr. Mersereau presented the remonstrance of sundry inhabitants of Steuben co., against the repeal of the law in relation to the arrival of passengers at ports of entry and landings in this state, which was read and referred to the committee on commerce and navigation.

Mr. McLean presented the petition of John Copeland, for payment of damages sustained by the raising of the mud lock on the

Erie canal, which was read and referred to the committee on claims.

Mr. Beekman from the committee on colleges, academies and common schools to which was referred the bill, entitled "An act to amend an act to incorporate the trustees of the Yorkville school in the Twelfth Ward of the city of New-York, passed April 2, 1847;" reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be referred to the committee on the judiciary to report complete.

Mr. Bowen from the committee on trade and manufactures to which was referred the petition of the trustees of the Utica steam cotton mills for an extension of time to fill up their stock, reported, and asked and obtained leave to introduce a bill, entitled "An act to extend the time for calling in the capital stock of the Utica Steam Cotton mills," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Nash from the committee on the erection and division of towns and counties, to which was referred the petition of inhabitants of Ballston and Clifton Park, to establish the lines of said town, reported, and asked and obtained leave to introduce a bill, entitled "An act defining the boundaries of the towns of Ballston and Clifton Park," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Mowry from the committee on railroads, to which was referred the bill, entitled "An act to amend the charter of the Attica and Hornellsville Railroad Company," reported, that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the petition of inhabitants of the town of Middleburgh for the annexation of a part of said town to the town of Broome in the county of Schoharie, reported and asked and obtained leave to introduce a bill, entitled "An act to annex a part of the town of Middleburgh to the town of Broome;" which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the petition of inhabitants of Rondout for a law to incorporate the village of Rondout, reported and asked and obtained leave to introduce a bill, entitled "An act to incorporate the village of Rondout," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Cornell, from the committee on the judiciary, to which was referred the bill, entitled "An act to authorize Moses Randall, exec-

utor of the last will and testament of James Roberts, deceased, to convey certain real estate," reported, that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Fiske, from the committee on commerce and navigation, to which was referred the bill, entitled "An act authorising the erection of docks in the Seventh ward in the city of Brooklyn;" reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Fiske from the committee on commerce and navigation, to which was referred the concurrent resolution offered by Mr. Slocum in relation to flogging seamen, &c., reported the same to the House amended as follows, to wit:

WHEREAS, The infliction of punishment by flogging is a relic of a barbarous age that is alike revolting to every feeling of humanity, and degrading to the subject of it, and should not therefore be tolerated by any civilized nation; and whereas, also, the use of ardent spirits in the navy, is destructive to the morals of seamen, and tends to insubordination in the service; therefore,

*Resolved*, (if the Senate concur,) That our Senators and Representatives in Congress be requested to employ all reasonable means to secure the immediate abolition of the unnatural punishment by flogging in the military and naval service of the United States, and also to abolish spirit rations in the United States Navy.

*Ordered*, That the said resolution be committed to a committee of the whole House.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of Darwin Harvey, for a law to allow him to build a dry dock on the Erie canal, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Noble from the select committee to which was referred the request of the Washington Rifle Company of the city of Albany, for the use of the Assembly Chamber on February 22, for the purpose of celebrating Washington's birthday, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the use of the Assembly Chamber be granted to the Washington Rifle Company on the 22d of February next.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Speaker announced the select committee, in pursuance of the



resolution of this House of February 3d, in relation to the emigrant law, as follows:

Mr. Disoway, Mr. B. Thompson, Mr. Wing, Mr. L. Ward Smith, and Mr. Bogart.

Mr. Mersereau, from the committee on public printing, to which was referred the motion to print five times the usual number of the report of the majority and minority of the committee on railroads on the bill entitled "An act to declare the public utility of a railroad from Syracuse to Rochester on the most eligible route," for the use of the Legislature, and 250 of each for the use of the committee, reported and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That five times the usual number of the said report be printed for the use of the Legislature, and 250 for the use of the committee on railroads.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Mersereau from the committee on public printing, to which was referred the motion to print 15 times the usual number of the annual report of the Adjutant General for the use of the Legislature and 250 copies for the use of the Adjutant General, reported, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That 8 times the usual number of the report be printed for the use of the Legislature, and 250 for the use of the Adjutant General.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows to wit:

"An act to designate the holidays to be observed in the acceptance and payment of bills of exchange and promissory notes;"

"An act for the relief of the St. Lawrence Academy, and to increase the number of its trustees;"

And found the same correctly engrossed.

*Ordered*, That the said bills be read a third time.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, Feb. 7, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed a bill, entitled as follows:

"An act to vest certain special powers in the justices of the supreme court, heretofore vested in the vice chancellors of this State."

HAMILTON FISH.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, Feb. 8, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bill entitled as follows:

"An act to confirm the official acts of the officers of the town of North Hudson, elected at, and to legalise the town meeting held therein, on the third Tuesday of April, 1848."

HAMILTON FISH.

A communication from the Comptroller, in answer to a resolution of this House of Jan. 27, referring a message from the Governor, transmitting a communication from the Commissioners of Emigration in relation to the deficiency in the fund for the support of the Marine Hospital on Staten Island, was received and referred to the committee of the whole.

(See Doc. No. 140.)

A communication from the Secretary of State, in answer to a resolution of this House asking his opinion in relation to the appointment of three trustees on the part of the State for the New-York Institution for the Blind, was received and laid on the table.

(See Doc. No. 109.)

The engrossed bill, entitled "An act to designate the Holidays to be observed in the acceptance and payment of bills of exchange and promissory notes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 97 }  
{ NAYS 0 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Raynor
Mr. H. J. Allen	Mr. Fitzhugh	Mr. A. Robertson
Mr. Averill	Mr. Fox	Mr. W. H. Robertson
Mr. Bailey	Mr. Gates	Mr. Rockwell
Mr. Beekman	Mr. A. Gilbert	Mr. Rose
Mr. Bellinger	Mr. L. M. Gilbert	Mr. Rounseville
Mr. Boardman	Mr. Glass	Mr. St. John
Mr. Bogart	Mr. Goddard	Mr. Sexton
Mr. Boughton	Mr. Gove	Mr. Skeel
Mr. Bowen	Mr. Graham	Mr. Smalley
Mr. Boyce	Mr. Hammond	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. W. S. Smith
Mr. Brewer	Mr. Kennedy	Mr. Speaker
Mr. Budd	Mr. Kidd	Mr. Stevens
Mr. Ball	Mr. Leavenworth	Mr. Stewart

Mr. Bush	Mr. McKinney	Mr. Stryker
Mr. Button	Mr. McLean	Mr. Sweet
Mr. L. Butts	Mr. Maine	Mr. Taylor
Mr. W. Butts	Mr. Markel	Mr. Terry
Mr. Campbell	Mr. Marsh	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. J. E. Thompson
Mr. Clark	Mr. Moffatt	Mr. A. Tuttle
Mr. Cornell	Mr. Mowry	Mr. H. C. Tuthill
Mr. Crispell	Mr. Nash	Mr. Van Auken
Mr. Crittenden	Mr. Noble	Mr. Varnum
Mr. Cross	Mr. Pardee	Mr. Vincent
Mr. Culbert	Mr. Picket	Mr. Wells
Mr. Curtis	Mr. Pierce	Mr. Wheaton
Mr. Danforth	Mr. Porter	Mr. Whittaker
Mr. Disosway	Mr. Prescott	Mr. Wilcox
Mr. Dodge	Mr. Pruyn	Mr. Woodruff
Mr. Elderkin	Mr. Quackenboss	Mr. Young
Mr. Elwood		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act for the relief of the St. Lawrence Academy and to increase the number of its trustees," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 88 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Raynor
Mr. H. J. Allen	Mr. Fitzhugh	Mr. A. Robertson
Mr. Averill	Mr. Fox	Mr. W. H. Robertson
Mr. Bailey	Mr. Gates	Mr. Rose
Mr. Beekman	Mr. A. Gilbert	Mr. Sexton
Mr. Bellinger	Mr. L. M. Gilbert	Mr. Skeel
Mr. Boardman	Mr. Glass	Mr. Smalley
Mr. Bogart	Mr. Goddard	Mr. W. S. Smith
Mr. Boughton	Mr. Gove	Mr. Speaker
Mr. Bowen	Mr. Graham	Mr. Stevens
Mr. Boyce	Mr. Hammond	Mr. Stewart
Mr. Brinkerhoff	Mr. Hart	Mr. Stryker
Mr. Budd	Mr. A. Johnson	Mr. Sweet
Mr. Bull	Mr. Kennedy	Mr. Taylor
Mr. Bush	Mr. Kidd	Mr. Terry
Mr. Button	Mr. McLean	Mr. B. Thompson
Mr. L. Butts	Mr. Maine	Mr. J. E. Thompson
Mr. Campbell	Mr. Markel	Mr. A. Tuttle

Mr. Carver  
Mr. Clark  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Curtis  
Mr. Danforth  
Mr. Dodge  
Mr. Elderkin  
Mr. Elwood

Mr. Marsh  
Mr. Miller  
Mr. Moffatt  
Mr. Mowry  
Mr. Nash  
Mr. Pardee  
Mr. Picket  
Mr. Porter  
Mr. Prescott  
Mr. Pruyn  
Mr. Quackenboss

Mr. H. C. Tuthill  
Mr. Van Auken  
Mr. Varnum  
Mr. Vincent  
Mr. Wells  
Mr. Wheaton  
Mr. Whittaker  
Mr. Wilcox  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

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For the negative,

Mr. Rounseville

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to revise and amend the several acts relating to the city of Brooklyn," was read a third time, and having been amended,

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 96 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. Averill  
Mr. Bailey  
Mr. Beekman  
Mr. Bellinger  
Mr. Bogart  
Mr. Boughton  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. L. Butts  
Mr. W. Butts  
Mr. Buxton  
Mr. Campbell  
Mr. Carver  
Mr. Clark

Mr. Fitzhugh  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Gove  
Mr. Graham  
Mr. Hammond  
Mr. A. Johnson  
Mr. Kidd  
Mr. Leavenworth  
Mr. McKinney  
Mr. McLean  
Mr. Maine  
Mr. Marsh  
Mr. Miller  
Mr. Moffatt  
Mr. Mowry

Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. St. John  
Mr. Sexton  
Mr. Skeel  
Mr. Slocum  
Mr. Smalley  
Mr. L. Ward Smith  
Mr. W. S. Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stewart  
Mr. Stryker  
Mr. Sweet  
Mr. Taylor  
Mr. Terry  
Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. A. Tuttle

Mr. Cornell	Mr. Nash	Mr. H. C. Tuthill
Mr. Crispell	Mr. Noble	Mr. Van Auken
Mr. Crittenden	Mr. Pardee	Mr. Varnum
Mr. Cross	Mr. Picket	Mr. Vincent
Mr. Culbert	Mr. Pierce	Mr. Wells
Mr. Curtis	Mr. Porter	Mr. Wheaton
Mr. Danforth	Mr. Prescott	Mr. Whittaker
Mr. Disosway	Mr. Pruyn	Mr. Willard
Mr. Dodge	Mr. Quackenboss	Mr. Wilcox
Mr. Elderkin	Mr. Raynor	Mr. Wisewell
Mr. Elwood	Mr. A. Robertson	Mr. Woodruff
Mr. Fiske	Mr. W. H. Robertson	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. Sweet,

The House proceeded to the consideration of the resolution heretofore offered by Mr. Slocum, and the same having been amended by unanimous consent to read as follows :

WHEREAS, The Congress of the United States did, in 1777, pass a resolution requesting the Governor and Council of the State of New-York to erect a monument of the value of five hundred dollars at the expense of the United States, to the memory of Gen. Nicholas Herkimer, a native of this State, who died of wounds received in vindicating the rights and securing to us the inestimable privileges we now enjoy, and this Legislature cordially responding to the patriotic sentiment contained in the letter conveying to Gov. Clinton the resolution of Congress on that subject ; therefore,

*Resolved*, (if the Senate concur,) "That every mark of distinction shown to the memory of such illustrious men as offer up their lives for the liberty and happiness of their country, reflects real honor on those who pay the tribute, and by holding up to others the prospect of fame and immortality will animate them to tread in the same path."

*Resolved*, (if the Senate concur,) That our Senators and Representatives in Congress be requested to adopt such measures as they may deem most expedient for the accomplishment of the patriotic purposes for which this appropriation was made.

Mr. Speaker put the question whether the House would agree to the said resolutions, and it was determined in the affirmative.

Mr. Disosway gave notice that he would at an early day bring in a bill for the removal of the Quarantine from Staten Island.

Mr. Cross offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur) That the Secretary of state be authorised to appoint not more than three persons to attend the examinations of the New-York Institution for the blind, and to examine into the condition of said institution, at any time under the direction of the Secretary of state.

*Ordered*, That the said resolution be laid on the table.

In pursuance of previous notice Mr. Van Auken asked for and obtained leave to bring in a bill entitled "An act relative to sales at public auctions in the city of Albany," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on trade and manufactures.

In pursuance of previous notice Mr. Disoway asked for and obtained leave to bring in a bill entitled "An act to exempt from execution the homestead of a house holder having a family," which was read the first time, and by unanimous consent was also read a second time, and referred to the select committee on that subject.

In pursuance of previous notice Mr. Pruyn asked for and obtained leave to introduce a bill entitled "An act to amend the Revised Statutes relative to commissions to executors and administrators," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

In pursuance of previous notice Mr. Boyce asked for and obtained leave to bring in a bill entitled "An act to amend an act to incorporate the village of Palmyra, in the county of Wayne, passed March 29, 1827," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice Mr. Boughton asked for and obtained leave to bring in a bill entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover possession of lands," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice Mr. Graham asked for and obtained leave to bring in a bill entitled "An act authorising the commissioners of highways of the towns of Marbletown and Rosendale, in the county of Ulster, to complete laying out and to open a certain road in said towns," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on roads and bridges.

Mr. Boughton gave notice that he would at an early day ask leave to bring in a bill to authorise Leziah Bliss and others, to erect and maintain docks in the village of Green Point, in the town of Bushwick, Kings county, and for other purposes.

Mr. Nash gave notice of his intention at an early day to ask leave to bring in a bill to exempt a homestead from execution.

By unanimous consent,

Mr. W. S. Smith, from the committee on ways and means, reported the bill entitled "An act to provide for the support of the marine hospital by transferring a portion of the commutation fund to that object," which was read the first time, and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Danforth gave notice that he would at an early day bring in a bill prohibiting the mixing of spirituous liquors and wines to be used as a beverage.

On motion of Mr. McLean,

*Resolved*, That the papers on file relating to the damages sustained by the overflowing of the mud lock on section eight of the Erie canal, near Montezuma, be taken from the files of the House and referred to the committee on claims.

Mr. Skeel gave notice that he would at an early day ask leave to introduce a bill to aid in the diffusion of agricultural science.

Mr. Raynor gave notice that he would at some future day ask leave to introduce a bill to amend the act entitled "An act to provide for the incorporation and regulation of telegraph companies."

On motion of Mr. Curtis,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the Commissioners of the Land Office be respectfully requested to report to this House the quantity of land ceded by the Orchard party of Oneida Indians to the state in the Oneida purchases of 1830, 1834, 1841, May 1842 and June 1842; the number of the emigrating and home parties in each of those years; whether Jenny Dockstater and Sophia her daughter, were enrolled among the emigrating or home parties under either of the treaties made about the time of the above cession; and farther report what lands the Orchard party of the Oneidas hold within this state, and the names of the owners.

Also report the amount due to Jacob Smith and Polly Smith for their improvements under the treaty of 1829, and sold in the year 1830; if paid to them, or either of them, by whom; what vouchers therefor, and when given.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. L. Ward Smith,

*Resolved*, That the papers in relation to the matters of Daniel Cornell and Ransom Clarke, commissioners of highways of Guilford, be taken from the committee on grievances and referred to the committee on claims.

Mr. Rounseville gave notice that he would, at some early day, ask leave to bring in a bill requiring the town superintendents of common schools to make returns of all teachers in their respective towns who have been educated in the State Normal School.

On motion of Mr. W. S. Smith,

The House proceeded to the consideration of the resolution heretofore offered by him, in the following words, to wit:

*Resolved*, That the Comptroller be requested to report the items which go to make up the balance of \$1,373.33 due the treasury on account of the United States Deposit Fund on the 30th day of September, 1847, setting forth the names of the individuals from whom such balances are due.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bills, entitled as follows:

"An act to authorise the Schoharie Turnpike Company to abandon a part of their road ;"

"An act to annex a part of the town of Middleburgh to the town of Broome ;"

"An act to provide for the support of the Marine Hospital by transferring a portion of the commutation fund to that object."

And after some time spent thereon Mr. Speaker resumed the chair and Mr. Curtis from said committee, reported progress on said first mentioned bill.

Mr. Danforth moved that said bill be referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Danforth, and it was determined in the affirmative.

*Ordered*, That Mr. Danforth, Mr. Averill, Mr. Sexton, Mr. Culbert and Mr. Brewer be said committee.

Mr. Curtis, from the said committee, reported that the committee had gone through the two last mentioned bills, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent, the engrossed bill, entitled "An act to provide for the support of the marine Hospital by transferring a portion of the commutation fund to that object," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. W. H. Robertson
Mr. Averill	Mr. A. Gilbert	Mr. Rockwell
Mr. Beekman	Mr. Glass	Mr. Rose
Mr. Bellinger	Mr. Goddard	Mr. Rounseville
Mr. Boardman	Mr. Gove	Mr. Skeel
Mr. Bogart	Mr. Guernsey	Mr. Slocum
Mr. Bowen	Mr. Hammond	Mr. Smalley
Mr. Brinkerhoff	Mr. Hudson	Mr. L. Ward Smith
Mr. Brewer	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bush	Mr. Kennedy	Mr. Stevens
Mr. Button	Mr. Kidd	Mr. Stewart
Mr. L. Butts	Mr. Leavenworth	Mr. Strever
Mr. W. Butts	Mr. McKinney	Mr. Stryker
Mr. Campbell	Mr. McLean	Mr. Taylor
Mr. Carver	Mr. Maine	Mr. B. Thompson
Mr. Clark	Mr. Markel	Mr. J. E. Thompson
Mr. Cornell	Mr. Miller	Mr. A. Tuttle



Mr. Crispell	Mr. Moffatt	Mr. Van Auken
Mr. Crittenden	Mr. Mowry	Mr. Varnum
Mr. Culbert	Mr. Nash	Mr. Wells
Mr. Curtis	Mr. Noble	Mr. Wheaton
Mr. Disosway	Mr. Pickett	Mr. White
Mr. Dodge	Mr. Pierce	Mr. Whittaker
Mr. Elderkin	Mr. Prescott	Mr. Willard
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Fitzhugh	Mr. Raynor	Mr. Woodruff
Mr. Fox	Mr. A. Robertson	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to establish the place for holding the town meeting in the town of Lincklean for the year 1849," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Dodge from said committee, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend an act to enable resident aliens to hold and convey real estate, and for other purposes, passed April 30, 1845," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Willard from said committee reported progress and asked leave to sit again.

Mr. Fiske moved that the said bill be referred to the committee on the judiciary.

Mr. Dodge moved that said bill be referred to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the negative.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Dodge, and it was determined in the affirmative.

*Ordered*, That Mr. Dodge, Mr. Taylor, Mr. Skeel, Mr. Graham and Mr. Hudson be such select committee.

And then, at 2 o'clock p. m.,

On motion of Mr. Campbell,  
The House adjourned.

## FRIDAY, FEBRUARY 9, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Kennedy.

The minutes of yesterday were read and approved.

Mr. Willard presented two several petitions of sundry inhabitants of Steuben co., for a division of said county, and against the erection of a new county from parts of Steuben and Allegany, which were read and referred to the committee on the erection and division of towns and counties.

Mr. B. Thompson presented the petition of citizens of Wyoming co., for a law consolidating the several railroads between Albany and Buffalo which was read and referred to the committee on railroads.

Mr. L. Ward Smith presented the petition of A. M. Schermerhorn and numerous citizens of Rochester for an amendment of the charter of that city, limiting the power of the corporation to levy taxes, which was read and referred to the committee on the judiciary.

Mr. Disosway presented the petition of Nicoll H. Dering for a law to improve the education of females in the academies and seminaries of of this State, by lectures, especially upon chemistry and natural philosophy, which was read and referred to the committee on colleges, academies and common schools.

Mr. Wisewell presented the petition of 104 inhabitants of the county of Yates, for a law to prohibit the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Messrs. Gove, Elderkin and Godard, presented four several petitions of inhabitants of Franklin and St. Lawrence counties, for an act authorising the Northern Railroad company to build a bridge across Lake Champlain, near Rouse's point, which were read and referred to the select committee on that subject.

Mr. Carver presented the remonstrance of 24 citizens of Clinton co., against giving to the Northern Railroad company the right of building a bridge across Lake Champlain, which was read and referred to the select committee on that subject.

Mr. Hammond presented the petition of 57 inhabitants of Dutchess county, for a law to prohibit the use of drift nets in the Hudson river, which was read and referred to the select committee on that subject.

Mr. Porter presented the petition of 53 inhabitants of South Bristol, Ontario county, for the repeal of the act passed at the last session of the Legislature, annexing a part of the towns of Bristol and South Bristol to the town of Richmond, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Woodruff presented the petition of several hundred inhabitants

of the counties of Steuben, Allegany and Livingston, praying for the erection of a new county from parts of the aforesaid counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Cornell presented the memorial of the Chamber of Commerce of the city of New-York, remonstrating against changing the present site of the quarantine establishment of that port, which was read and referred to the committee on commerce and navigation.

Mr. Averill presented the petition of John W. Hawn, praying for a law to authorise the construction of a farm bridge over the Erie canal in the town of Minden, Montgomery co., which was read and referred to the committee on canals.

M. Bush presented the petition of sundry inhabitants of Sullivan co., for a law establishing free schools throughout the State, which was read and referred to the committee on colleges, academies and common schools.

Mr. Bogart presented the petition of John O'Blenis, of Rockland co., praying for the repeal of all laws relating to common schools, which was read and referred to the committee on colleges, academies and common schools.

Mr. Raynor presented the memorial of the Buffalo Hospital of the Sisters of Charity, for a law granting an appropriation to enable this charity to enlarge its accommodations, which was read and referred to the committee on medical societies and colleges.

Mr. Rose presented the remonstrance of citizens of Wyoming co., against any alteration of the charter of the Attica & Hornellsville Railroad, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. B. Thompson presented the petition of citizens of Buffalo, for a law requiring the sale of lands sold for taxes to be held in the several counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Cross from the committee on the incorporation of cities and villages to which was referred the resolution of the board of supervisors of Albany county, for a reduction of the number of the assessors and to change the manner of electing assessors, reported, and asked and obtained leave to introduce a bill, entitled "An act to amend the charter of the city of Albany, in relation to the number and manner of electing the assessors of said city," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. A. Gilbert, from the committee on commerce and navigation to which was referred the petition of inhabitants of Flushing, Queens co., for a law authorising James Peck to extend the old town dock in that town; reported, and asked and obtained leave to introduce a bill, entitled "An act to authorise James Peck to extend and otherwise improve the old town dock in the town of Flushing," which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Boardman from the committee on claims, to which was referred the petition of Zacheus P. Gillett for compensation for failure of title of lands patented by the State, reported and asked and obtained leave to introduce a bill, entitled "An act to pay Zacheus P. Gillett for damages sustained by the failure of the title to lands patented by the State;" which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. McLean, from the committee on claims, to which was referred the petition of Hubbard Burdick for damages sustained in the construction of the Erie canal; reported and asked and obtained leave to introduce a bill, entitled "An act to authorise the canal commissioners to settle with Hubbard Burdick for work done on the Erie canal;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred the petition of the St. Lawrence County Mutual Insurance company for an amendment of their charter; reported, and asked and obtained leave to introduce a bill, entitled "An act to amend the charter of the St. Lawrence County Mutual Insurance company;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Averill from the committee on roads and bridges, to which was referred the petition of inhabitants of Allegany and Wyoming counties, for a law to build a bridge over the Genesee river, near the village of Mixville, and also for a bridge over the Genesee river between the counties of Allegany, Wyoming and Livingston; reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Averill from the committee on roads and bridges to which was referred the petition of sundry inhabitants of the town of Kingston, for a ferry across Rondout creek at South Rondout, reported, and asked and obtained leave to bring in a bill, entitled "An act granting to George F. Von Beck the right to establish a ferry across the Rondout creek," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Averill from the committee on roads and bridges to which was referred the bill entitled "An act authorising the commissioners of highways of the towns of Marbletown and Rosendale, in the county of Ulster, to complete laying out and to open a certain road in said towns," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Danforth, from the select committee, to which was referred the bill entitled "An act to authorise the Schoharie turnpike road company to abandon a part of their road," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, Mr. Sexton dissenting, and amended the title so as to read "An act to authorise the western branch of the Schoharie turnpike road company to abandon a part of their road," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bowen, from the select committee, to which was referred the petition of the board of supervisors of the city of New-York, for a law to amend an act relating to the fees and compensation of certain officers in the city and county of New-York, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act relative to the fees and compensation of certain officers in the city and county of New-York, passed Dec. 10, 1847," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Taylor, from the select committee, to which was referred the bill entitled "An act to amend an act to enable resident aliens to hold and convey real estate and for other purposes, passed April 30, 1845," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pierce, from the committee on public printing, to which was referred the motion to print ten times the usual number of the report of the Commissioners of the Canal Fund for the use of the Legislature, and 250 for the Commissioners of the Canal Fund, reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of said report be printed for the use of the Legislature, and 250 for the use of the Commissioners of the Canal Fund.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act to annex a part of the town of Middleburgh to the town of Broome."

"An act to establish the place for holding the town meeting in the town of Lincklaen for the year 1849."

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

A message from the Governor, was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, February 9, 1849. }

*To the Legislature :*

I transmit herewith the annual report of the trustees of the Sailors' Snug Harbor.

HAMILTON FISH.

*Ordered,* That the said report be referred to the committee on charitable and religious societies.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to amend the act entitled 'An act for filling vacancies in office,' passed Feb. 3, 1849," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

"An act in relation to the recorder of the city of Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

"An act for the relief of Mary Catherine Rapp," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the petitions of aliens.

"An act to vest in boards of supervisors certain legislative powers," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act to confirm the official acts of Benjamin T. Miller, late sheriff of Broome county," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

A message from the Senate was received and read, informing that they had passed without amendment the bill therewith returned, entitled "An act to designate the place of holding the next annual town meeting in the town of Broome, in the county of Schoharie."

*Ordered,* That the Clerk deliver the said bill to the Governor.

The Senate returned the engrossed bill entitled "An act for the prevention and punishment of prize or concerted fighting," with a message informing that they have passed the same with the following amendments.

Strike out all after the enacting clause, and insert the following:

§ 1. Any person who, in this state, shall contrive, incite, abet, aid, promote, procure, be trained for, engage in, assist at, or be a party to, any fight, commonly called a prize-fight, or any concerted boxing match, or trial of pugilism, for wages, gain or reward, or upon the happening of which, or its issue, or upon any one or more incidents of which, any purse, deposit or sum of money, or any recompense, remuneration, bet, stake, wager, pledge or gift, shall or may in part or in whole be hazarded, or made to depend, shall on conviction thereof be punished by imprisonment in the state prison, for a term not exceeding three years, or in a county jail for a term not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

§ 2. Any person who in this state, shall in whole or in part pay or contribute to any such wager, gain or reward, or any such deposit, sum of money, recompense, remuneration, stake, pledge or gift, or who shall make, enter into, hazard or partake in any such bet or wager, shall, on conviction thereof, be imprisoned in a county jail for a term not exceeding one year, or by a fine not exceeding five hundred dollars, or by both such fine and imprisonment.

§ 3. This act shall take effect immediately.

The said amendments were read, when,

Mr. W. S. Smith moved to refer said bill and amendments to the committee on the militia and public defence.

Mr. Sweet moved to refer the said bill and amendments to a select committee on that subject.

Mr. Beekman moved to commit the same to a committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Beekman, and it was determined in the affirmative.

The engrossed bill entitled "An act to annex a part of the town of Middleburgh to the town of Broome," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{	AYES	90	}
{	NAYS	00	}

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. A. Robertson
Mr. H. J. Allen	Mr. Gates	Mr. W. H. Robertson
Mr. Averill	Mr. A. Gilbert	Mr. Rockwell
Mr. Bailey	Mr. L. M. Gilbert	Mr. Rose
Mr. Beekman	Mr. Glass	Mr. Rounseville
Mr. Bellinger	Mr. Goddard	Mr. St. John
Mr. Boardman	Mr. Gove	Mr. Sexton
Mr. Bogart	Mr. Graham	Mr. Skeel
Mr. Boughton	Mr. Guernsey	Mr. Smalley
Mr. Bowen	Mr. Hudson	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Speaker
Mr. Brewer	Mr. Kennedy	Mr. Stevens
Mr. Bull	Mr. Leavenworth	Mr. Stewart
Mr. Bush	Mr. McKinney	Mr. Strever
Mr. L. Butts	Mr. McLean	Mr. Sweet
Mr. W. Butts	Mr. Maine	Mr. Taylor
Mr. Buxton	Mr. Markel	Mr. Terry
Mr. Campbell	Mr. Marsh	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. J. E. Thompson
Mr. Clark	Mr. Moffatt	Mr. A. Tuttle
Mr. Crispell	Mr. Mowry	Mr. H. C. Tuthill

Mr. Crittenden	Mr. Nash	Mr. Van Aukeh
Mr. Cross	Mr. Noble	Mr. Varnum
Mr. Culbert	Mr. Picket	Mr. Vincent
Mr. Curtis	Mr. Pierce	Mr. Wells
Mr. Danforth	Mr. Porter	Mr. Wheaton
Mr. Dodge	Mr. Prescott	Mr. Wilcox
Mr. Elderkin	Mr. Pruyn	Mr. Wisewell
Mr. Elwood	Mr. Quackenboss	Mr. Woodruff
Mr. Fiske	Mr. Raynor	Mr. Young

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to establish the place for holding the town meeting in the town of Lincklean for the year 1849," was read the third time.

Mr. Speaker put the question whether the House would agree to the report of the committee and pass the bill accordingly, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 99 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Averill	Mr. L. M. Gilbert	Mr. Rose
Mr. Bailey	Mr. Glass	Mr. Rounseville
Mr. Beekman	Mr. Goddard	Mr. St. John
Mr. Bellinger	Mr. Goff	Mr. Sexton
Mr. Boardman	Mr. Gove	Mr. Skeel
Mr. Bogart	Mr. Graham	Mr. Slocum
Mr. Boughton	Mr. Guernsey	Mr. Smalley
Mr. Bowen	Mr. Hammond	Mr. W. S. Smith
Mr. Boyce	Mr. Hudson	Mr. Speaker
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Stevens
Mr. Brewer	Mr. Kennedy	Mr. Stewart
Mr. Bull	Mr. Leavenworth	Mr. Strever
Mr. Bush	Mr. McKinney	Mr. Stryker
Mr. L. Butts	Mr. McLean	Mr. Sweet
Mr. W. Butts	Mr. Maine	Mr. Taylor
Mr. Buxton	Mr. Markel	Mr. Terry
Mr. Campbell	Mr. Marsh	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. J. E. Thompson
Mr. Clark	Mr. Moffatt	Mr. A. Tuttle
Mr. Crispell	Mr. Mowry	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Nash	Mr. Van Auken
Mr. Cross	Mr. Noble	Mr. Varnum
Mr. Culbert	Mr. Pardee	Mr. Vincent
Mr. Curtis	Mr. Picket	Mr. Wells
Mr. Danforth	Mr. Pierce	Mr. Wheaton



Mr. Diasway	Mr. Porter	Mr. White
Mr. Dodge	Mr. Prescott	Mr. Whittaker
Mr. Elderkin	Mr. Pruyn	Mr. Willard
Mr. Elwood	Mr. Quackenboss	Mr. Wilcox
Mr. Fiske	Mr. Raynor	Mr. Wisewell
Mr. Fitzhugh	Mr. A. Robertson	Mr. Woodruff
Mr. Gates	Mr. W. H. Robertson	Mr. Young

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*Ordered, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.*

The engrossed bill entitled "An act to authorise the western branch of the Schoharie Turnpike Road Company to abandon a part of their road," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 71 }  
{ NAYS 08 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Elwood	Mr. Rockwell
Mr. H. J. Allen	Mr. Fiske	Mr. Rose
Mr. Averill	Mr. Gates	Mr. St. John
Mr. Bailey	Mr. A. Gilbert	Mr. Slocum
Mr. Beekman	Mr. L. M. Gilbert	Mr. Smalley
Mr. Bellinger	Mr. Goddard	Mr. Speaker
Mr. Boardman	Mr. Gove	Mr. Stevens
Mr. Bogart	Mr. Guernsey	Mr. Taylor
Mr. Boughton	Mr. A. Johnson	Mr. Terry
Mr. Brewer	Mr. Kennedy	Mr. B. Thompson
Mr. Budd	Mr. Leavenworth	Mr. J. E. Thompson
Mr. Bull	Mr. McKinney	Mr. A. Tuttle
Mr. W. Butts	Mr. McLean	Mr. H. C. Tuthill
Mr. Buxton	Mr. Marsh	Mr. Varnum
Mr. Campbell	Mr. Miller	Mr. Vincent
Mr. Carver	Mr. Moffatt	Mr. Wells
Mr. Clark	Mr. Nash	Mr. Wheaton
Mr. Cornell	Mr. Noble	Mr. White
Mr. Crispell	Mr. Picket	Mr. Whittaker
Mr. Cross	Mr. Porter	Mr. Wilcox
Mr. Curtis	Mr. Prescott	Mr. Wisewell
Mr. Danforth	Mr. Pruyn	Mr. Woodruff
Mr. Dodge	Mr. Quackenboss	Mr. Young
Mr. Elderkin	Mr. Raynor	

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Those who voted in the negative are,

Mr. Crittenden	Mr. Pierce	Mr. Stewart
Mr. Hammond	Mr. Sexton	Mr. Strever
Mr. Mowry	Mr. Skeel	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Campbell,

*Resolved*, That the committee on public printing be directed to inquire into and report the cause of the delay in the printing of Assembly document No. 47, being the report of the committee on the judiciary on the bill to continue in office the commissioners on practice and pleadings.

Mr. White offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the clerk of the Assembly be authorised and directed to procure for each member and officer of the Assembly a recently published map of the United States and Mexico, showing in detail the territories recently acquired by the late treaty between the above governments; provided, that the above map does not exceed two dollars each.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

In pursuance of previous notice, Mr. Boughton asked for and obtained leave to bring in a bill entitled "An act to authorise Neziiah Bliss and others to erect and maintain docks in the town of Bushwick, county of Kings," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice Mr. Skeel asked for and obtained leave to bring in a bill entitled "An act to aid in the diffusion of agricultural science," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on agriculture.

In pursuance of previous notice Mr. B. Thompson asked for and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act requiring compensation for causing death by wrongful act, neglect or default,'" which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

Leave of absence was granted to Mr. Mersereau and Mr. Hoyt for ten days each, and to Mr. Taylor for three days.

On motion of Mr. Cross,

The House proceeded to the consideration of the resolution heretofore offered by him, in the following words, to wit:

*Resolved*, (if the Senate concur) That the Secretary of state be authorised to appoint not more than three persons to attend the examinations of the New-York Institution for the blind, and to examine into the condition of said institution, at any time under the direction of the Secretary of state.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Crispell gave notice that he will at an early day present a bill in relation to the dog tax in the county of Ulster.

Mr. Boughton gave notice that he intends at an early day to ask

leave to bring in a bill to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of Kings county.

Mr. McKinney offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the clerk, and also the register of the city and county of New-York, are each hereby required respectively to report under oath to this House, at an early day, the whole amount of official fees, perquisites and emoluments received or charged in their respective offices during the years 1847 and 1848, (keeping each year separate) for official services, also the amount of salaries allowed them respectively during the year 1848, and the number of deputies or other subordinate clerks employed in each of their offices, and the salaries or compensation paid to each of said subordinate clerks during the years aforesaid, (keeping each year separate.)

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

On motion of Mr. Averill,

*Resolved*, That the papers on file in this House in relation to the claim of Abram P. Putnam for canal damages be taken from the files and referred to the committee on grievances.

On motion of Mr. Wheaton,

*Resolved*, That the papers on file in relation to a petition of the inhabitants of school district No. 27, in the town of Camillus, county of Onondaga, praying for a law authorising the trustees of said district to assess and collect the sum of \$148.62 to pay costs of suit, be taken from the files and referred to the committee on colleges, academies and common schools.

On motion of Mr. Bowen,

*Resolved*, That the clerk of the marine court of the city of New-York, make a return under oath to this House, within ten days from this date, exhibiting from the records of the court the amount of fees paid by him into the city treasury since the 8th of May, 1848, up to this day; the number of causes tried and the amount of judgments rendered therein since the same date; the attendance and participation in the trial of causes, every day during the same period of each of the judges of the court respectively, unless prevented from attending to their duties from sickness, and the number of causes tried and inquests taken by each during that period, together with the amount of fees received by the court.

On motion of Mr. Averill,

*Resolved*, That a respectful message be sent to the Honorable the Senate, with a request that the papers relating to a bridge at Oswego Falls on their files be sent to this House, and when received the same be referred to the committee on roads and bridges.

The House then again resolved itself into a committee of the whole on the bill entitled "An act for the payment of money to the heirs of William Gall, deceased, for land given to him for his services as a revolutionary soldier," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. L. M. Gilbert from said committee, reported progress and asked for and obtained leave to sit again.

Mr. Willard moved the House resolve itself into a committee of the whole on the bill entitled "An act to erect the town of Shongo from parts of Independence and Scio, in the county of Allegany."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Willard, and it was determined in the negative.

The House then resolved itself into a committee of the whole on the engrossed bill entitled "An act in relation to pardons," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Clark from said committee, reported progress and asked leave to sit again.

Mr. Sweet moved said bill be referred to a select committee, and that it retain its place on the general orders.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Sweet, and it was determined in the affirmative.

*Ordered*, That W. S. Smith, Mr. Bailey, Mr. Noble, Mr. L. Ward Smith and Mr. B. Thompson be such committee.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, Feb. 9, 1849. }

TO THE ASSEMBLY :

I have this day approved and signed the bills, entitled as follows :

"An act to designate the place of holding the next annual town meeting in the town of Broome, in the county of Schoharie;"

"An act to annex a part of the town of Middleburgh to the town of Broome;"

HAMILTON FISH.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise the supervisors of Monroe co., to raise money to purchase or build a surrogate's and county treasurer's office," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Buxton from said committee, reported that the committee had gone through the said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate entitled "An act to incorporate the members of the East Genesee annual conference of the Methodist Episcopal church," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Campbell from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be read a third time.

By unanimous consent the said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative.

tive, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Goddard	Mr. Rockwell
Mr. Averill	Mr. Guernsey	Mr. Rose
Mr. Bailey	Mr. Hammond	Mr. Rounseville
Mr. Beekman	Mr. Harmon	Mr. Sexton
Mr. Bellinger	Mr. Hudson	Mr. Skeel
Mr. Boardman	Mr. A. Johnson	Mr. Smalley
Mr. Bogart	Mr. Kennedy	Mr. W. S. Smith
Mr. Boughton	Mr. Kidd	Mr. Speaker
Mr. Bowen	Mr. Leavenworth	Mr. Stevens
Mr. Brinkerhoff	Mr. McKinney	Mr. Stewart
Mr. Brewer	Mr. McLean	Mr. Strever
Mr. Bush	Mr. Maine	Mr. Stryker
Mr. Button	Mr. Markel	Mr. Sweet
Mr. L. Butts	Mr. Marsh	Mr. Terry
Mr. W. Butts	Mr. Miller	Mr. B. Thompson
Mr. Buxton	Mr. Moffatt	Mr. J. E. Thompson
Mr. Campbell	Mr. Mowry	Mr. A. Tuttle
Mr. Crispell	Mr. Nash	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Noble	Mr. Varnum
Mr. Culbert	Mr. Pardee	Mr. Vincent
Mr. Curtis	Mr. Picket	Mr. Wells
Mr. Danforth	Mr. Pierce	Mr. Wheaton
Mr. Dodge	Mr. Porter	Mr. White
Mr. Elwood	Mr. Prescott	Mr. Willard
Mr. Fiske	Mr. Pruyn	Mr. Wilcox
Mr. Fitzhugh	Mr. Quackenboss	Mr. Wisewell
Mr. Gates	Mr. Raynor	Mr. Woodruff
Mr. A. Gilbert	Mr. A. Robertson	Mr. Young
Mr. L. M. Gilbert		

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*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have passed the same with amendments.

The House then resolved itself into a committee of the whole on the bill entitled "An act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. W. H. Robertson from said committee, reported progress and asked and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to correct the tax books in the comptroller's office and authorising extracts from records in his office as evidence," and after some time spent thereon, Mr. Speaker resumed the chair,

and Mr. Kennedy from said committee, reported, that the committee had gone through said bill and agreed to the same with amendments, and altered the title so as to read "An act to correct the tax books in the Comptroller's office and authorising extracts from records in his office to be taken therefrom and read as evidence," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise the supervisors of the county of Montgomery, to contract with the supervisors of the county of Albany to keep certain prisoners in the penitentiary of Albany county," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. H. J. Allen from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to incorporate the Panama Railroad Company," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Taylor from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent the said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows :

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. A. Robertson
Mr. H. J. Allen	Mr. Gates	Mr. W. H. Robertson
Mr. Averill	Mr. A. Gilbert	Mr. Rockwell
Mr. Bailey	Mr. L. M. Gilbert	Mr. Rose
Mr. Beekman	Mr. Glass	Mr. Rounseville
Mr. Bellinger	Mr. Goddard	Mr. Skeel
Mr. Boardman	Mr. Guernsey	Mr. Smalley
Mr. Bogart	Mr. Hammond	Mr. L. Ward Smith
Mr. Boughton	Mr. Harmon	Mr. Speaker
Mr. Bowen	Mr. Hudson	Mr. Stevens
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Stewart
Mr. Brewer	Mr. Kennedy	Mr. Strever
Mr. Budd	Mr. Kidd	Mr. Sweet
Mr. Bull	Mr. Leavenworth	Mr. Taylor
Mr. Bush	Mr. McKinney	Mr. Terry
Mr. L. Butts	Mr. McLean	Mr. B. Thompson
Mr. W. Butts	Mr. Maine	Mr. J. E. Thompson

Mr. Barton	Mr. Markel	Mr. A. Tuttle
Mr. Campbell	Mr. Marsh	Mr. H. C. Tuthill
Mr. Cornell	Mr. Miller	Mr. Varnum
Mr. Crispell	Mr. Moffatt	Mr. Vincent
Mr. Crittenden	Mr. Mowry	Mr. Wells
Mr. Cross	Mr. Nash	Mr. Wheaton
Mr. Culbert	Mr. Noble	Mr. White
Mr. Curtis	Mr. Picket	Mr. Willard
Mr. Danforth	Mr. Pierce	Mr. Wilcox
Mr. Disosway	Mr. Porter	Mr. Wing
Mr. Dodge	Mr. Prescott	Mr. Wisewell
Mr. Elderkin	Mr. Pruyn	Mr. Woodruff
Mr. Elwood	Mr. Quackenboss	Mr. Young
Mr. Fiske	Mr. Raynor	

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The House then resolved itself into a committee of the whole on the bill entitled "An act respecting the time of payment of drafts or bills of exchange drawn or made payable at sight," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Tuttle from said committee reported that the committee had gone through said bill and agreed to the same without amendment.

*Ordered*, That the said bill be engrossed for its third reading.

And then at two o'clock p. m.,

On motion of Mr. Campbell,  
The House adjourned.

## SATURDAY, FEBRUARY 10, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Huntington.

The minutes of yesterday were read and approved.

Mr. L. Butts presented four several remonstrances of sundry inhabitants of Delaware co., against the erection of a new county including any portion of that county, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Woodruff presented the petition of John R. Murray and others, for payment of certain damages caused by the construction of the Genesee Valley canal at Mount Morris, which was read and referred to the committee on claims.

Mr. Elderkin presented the remonstrance of sundry inhabitants of Rossie, in St. Lawrence co., against lowering the bed of Indian river in that town, for the purpose of draining the lands of Woodruff and Stocking, in Jefferson co., which was read, and referred to the committee on public lands.

Mr. Harmon and Mr. Brinkerhoff presented two several petitions of sundry inhabitants of Monroe and Cayuga counties, for a law requiring the sale of lands sold for taxes to be held in the counties in which such lands are situated, which were read and referred to the select committee on that subject.

Mr. Young presented the remonstrance of the chiefs of the Onondaga Indians, against the manner certain annuities are divided amongst them, and praying that the treaties of 1795 and 1829 be carried out, which was read and referred to the committee on indian affairs.

Mr. Guernsey presented the petition of sundry inhabitants of Erie and Chautauque counties, for an act making the expense of supporting criminal jurisdiction over the Indians and their several reservations in Western New-York chargeable to the state, or to the Indian fund now in the hands of the state, which was read and referred to the committee on indian affairs.

Mr. Wells presented the petition of the trustees of the Methodist Episcopal Church, Garretson Station, Albany, praying for a re-incorporation of their church, which was read and referred to the committee on charitable and religious societies.

Mr. Sexton presented the petition of sundry citizens of Cobleskill, in Schoharie co., for a division of that town and the erection of a new town from the western part thereof, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Glass presented the petition of sundry citizens of Syracuse, asking for an endowment of the Rensselaer Institute and the establishment of an agricultural professorship therein, which was read and referred to the committee on agriculture.

Mr. Raynor presented the petition of sundry inhabitants of Erie co., for a law consolidating the several railroads between Albany and Buffalo, which was read and referred to the committee on railroads.

Mr. Glass presented the petition of Whiting Tuttle, Peter Edwin and A. G. Willard, for compensation for damages sustained by a breach in canal feeder at Boonville, which was read and referred to the committee on claims.

Mr. Glass presented the petition of Dennis M. Carthy, Grove Lawrence and Asahel L. Smith, to be discharged from the bond for the treasurer of Onondaga co., which was read and referred to the committee on grievances.

Mr. Sweet presented the petition of sundry inhabitants of New Brighton, in Richmond co., for the removal of the quarantine from that county, which was read and referred to the committee on commerce and navigation.

Mr. Noble presented two several remonstrances of sundry inhabitants of Delaware co., against a new county including parts of Delaware and Broome counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Caver presented three several remonstrances of sundry citizens of Clinton co., against a law authorising the Northern Railroad



Company to build a bridge across Lake Champlain at Rouse's Point, which were read and referred to the select committee on that subject.

Mr. Rose presented the remonstrance of sundry inhabitants of Wyoming co., against the proposed amendments of the Attica and Hornellsville Railroad charter, which was read and referred to the committee of the whole when on the bill upon that subject.

Messrs. J. E. Thompson and Whittaker presented two several petitions of sundry citizens of Broome co., for a new county from parts of Broome, Chenango, Delaware and Otsego counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Goddard presented the remonstrance of 114 inhabitants of Massena, in St. Lawrence county, against annexing any part of the town of Louisville to that town, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Noble presented the remonstrance of sundry citizens of Delaware co., against the erection of a new county, (to be called Patterson,) with the county seat at Deposit, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Campbell presented the petition of the Nautilus Mutual Life Insurance company, praying for certain amendments in their charter, which was read and referred to the committee on banks and insurance companies.

Mr. Guernsey presented the petition of sundry inhabitants of Cattaraugus co., praying for a law exempting the homestead from execution, and for a limitation of the quantity of land hereafter to be acquired by any one individual, which was read and referred to the select committee on that subject.

Mr. Wisewell presented the petition of sundry inhabitants of Yates co., for a law to build a bridge over the outlet of Crooked lake, in the village of Penn Yan, which was read and referred to the committee on roads and bridges.

Mr. Boughton presented the remonstrance of sundry inhabitants of Kings co., against the proposed road from Gavesend to Brooklyn, in that county, which was read and referred to the committee of the whole, when on the bill upon that subject.

Mr. Fitzhugh presented two remonstrances of 227 citizens of Oswego county, against a law authorising a tax to construct a bridge over the Oswego river, above the present bridge in the village of Fulton, which were read and referred to the committee on roads and bridges.

Mr. A. Gilbert presented the petition of certain citizens of New-York, for an act removing the quarantine from Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. Harmon presented the petition of sundry inhabitants of Greece in Monroe co., for an act abolishing the mayor's court in the city of Rochester, which was read and referred to the committee on the judiciary.

Mr. Gove presented the petition of sundry inhabitants of Frank-

lin co., for a law authorising the directors of the Northern Railroad company, to erect a bridge across Lake Champlain, near Rouse's point, which was read and referred to the select committee on that subject.

Mr. Bowen from the committee on trade and manufactures to which was referred the bill, entitled "An act to amend the Revised Statutes in relation to sales at auction in the city of Albany," reported, that the committee had gone through said bill, and agreed to the same with amendments and altered the title so as to read, "An act to amend the Revised Statutes in relation to sales at auction," which report was agreed to.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Harmon from the committee on charitable and religious societies, to which was referred the bill, entitled "An act to amend an act to secure the faithful expenditure of moneys raised and collected for certain charitable institutions in the First Senate district, passed May 13, 1840," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Cornell, from the committee on the judiciary, to which was referred the bill, entitled "An act to amend the Revised Statutes, relative to commissions to executors and administrators;" reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of Cochection Bridge Company, for an amendment of the charter of said company, reported, and asked, and obtained leave to bring in a bill entitled "An act to amend the charter of the Cochection Bridge Company," which was read the first time, and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the towns of Black Rock, Hamburg, and Cheektowaga, for a new town from parts of said towns, to be called Red Jacket, reported, and asked, and obtained leave to bring in a bill entitled "An act to erect the town of Red Jacket from the towns of Cheektowaga, Black Rock, and Hamburg," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. L. Ward Smith from the committee on grievances, to which was referred the petition of sundry inhabitants of the city of Syracuse for a law equalizing and increasing the pay of salt officers at

that place, reported, and asked to be discharged from the further consideration of said petition.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Sweet from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to confirm the official acts of Benjamin T. Miller, late sheriff of Broome co.," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Sweet, from the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act in relation to the recorder of the city of Troy," reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Sweet from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to amend the act entitled 'An act for filling vacancies in office,' passed February 3, 1849;" reported, that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of David Van Alstine for damages sustained by the leakage of the Erie canal, reported and asked and obtained leave to introduce a bill, entitled "An act to provide for the appraisal and payment of canal damages to David Van Alstine;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Fitzhugh from the committee on canals, to which was referred the petition of John W. Hawn for a law to authorise the canal commissioners to build a farm bridge over the canal on his lands in Montgomery co., reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved,* That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Elderkin from the committee on state prisons, to which was referred the engrossed bill from the Senate, entitled "An act in relation to the removal of convicts from one State prison to another;" reported, that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Wells from the committee on charitable and religious societies, to which was referred the bill entitled "An act for reincorporating the Methodist Episcopal church, Garretson station, Albany," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. McLean, from the committee on claims, to which was referred the petition of sundry inhabitants of the town of Moreau, Saratoga co., for damages done to roads in said town by raising of Glen's Falls feeder, reported, and asked, and obtained leave to bring in a bill entitled "An act to provide for the appraisal of the damages to the roads of the town of Moreau," which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act to correct the tax books in the Comptroller's office, and authorising extracts from records in his office to be taken therefrom and read as evidence."

"An act to authorise the supervisors of the county of Montgomery, to contract with the supervisors of the county of Albany, to keep certain prisoners in the Penitentiary of Albany county."

"An act to authorise the supervisors of Monroe county, to purchase or build a surrogate and county treasurer's office."

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled, "An act to amend an act entitled 'An act for the more effectual protection of the property of married women,'" which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the judiciary.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith returned, entitled "An act to establish the place for holding the town meeting in the town of Lincklean for the year 1849."

"An act to provide for the support of the Marine Hospital by transferring a portion of the commutation fund to that object."

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to revise and amend the several acts relating to the city of Brooklyn."

The amendments were read, when,

Mr. Cross moved the House do concur in the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in fa-

vor thereof, and three-fifths of said members being present, as follows :

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fox	Mr. Pruyn
Mr. H. J. Allen	Mr. Gates	Mr. Raynor
Mr. Averill	Mr. A. Gilbert	Mr. W. H. Robertson
Mr. Beekman	Mr. Glass	Mr. Rockwell
Mr. Bellinger	Mr. Goddard	Mr. Rose
Mr. Boardman	Mr. Gove	Mr. Rounseville
Mr. Bogart	Mr. Guernsey	Mr. Skeel
Mr. Boughton	Mr. Hammond	Mr. Slocum
Mr. Bowen	Mr. Harmon	Mr. Smalley
Mr. Brinkerhoff	Mr. Hart	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. Kennedy	Mr. Stevens
Mr. Bush	Mr. Kidd	Mr. Stewart
Mr. Button	Mr. Leavenworth	Mr. Strever
Mr. L. Butts	Mr. McKinney	Mr. Sweet
Mr. W. Butts	Mr. McLean	Mr. Terry
Mr. Buxton	Mr. Maine	Mr. B. Thompson
Mr. Campbell	Mr. Marsh	Mr. J. E. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cornell	Mr. Mowry	Mr. Varnum
Mr. Crispell	Mr. Nash	Mr. Wells
Mr. Crittenden	Mr. Noble	Mr. Wheaton
Mr. Cross	Mr. Pardee	Mr. White
Mr. Culbert	Mr. Picket	Mr. Whittaker
Mr. Elderkin	Mr. Pierce	Mr. Wisewell
Mr. Fiske	Mr. Porter	Mr. Woodruff
Mr. Fitzhugh	Mr. Prescott	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to authorise the western branch of the Schoharie Turnpike Road company to abandon a part of their road."

The said amendments were read, when,

Mr. Danforth moved the House do concur in the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Danforth, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 80 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Rockwell
Mr. Averill	Mr. Glass	Mr. Rose
Mr. Bailey	Mr. Goddard	Mr. Rounseville
Mr. Beekman	Mr. Guernsey	Mr. Sexton
Mr. Bellinger	Mr. Hammond	Mr. Skeel
Mr. Boardman	Mr. Harmon	Mr. Slocum
Mr. Bogart	Mr. Hart	Mr. Smalley
Mr. Boughton	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Bowen	Mr. Kennedy	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Kidd	Mr. Stevens
Mr. Brewer	Mr. Leavenworth	Mr. Stewart
Mr. Budd	Mr. McKinney	Mr. Strever
Mr. Bush	Mr. McLean	Mr. Sweet
Mr. Button	Mr. Maine	Mr. Terry
Mr. L. Butts	Mr. Marsh	Mr. B. Thompson
Mr. W. Butts	Mr. Miller	Mr. J. E. Thompson
Mr. Campbell	Mr. Moffatt	Mr. A. Tuttle
Mr. Carver	Mr. Mowry	Mr. H. C. Tuthill
Mr. Clark	Mr. Nash	Mr. Varnum
Mr. Cornell	Mr. Noble	Mr. Wells
Mr. Crispell	Mr. Pardee	Mr. Wheaton
Mr. Danforth	Mr. Picket	Mr. Whittaker
Mr. Elderkin	Mr. Pierce	Mr. Willard
Mr. Fiske	Mr. Porter	Mr. Wisewell
Mr. Fox	Mr. Prescott	Mr. Woodruff
Mr. Gates	Mr. Raynor	Mr. Young
Mr. A. Gilbert	Mr. W. H. Robertson	80

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

The engrossed bill entitled "An act to authorize the supervisors of Monroe county to purchase or build a surrogate and county treasurer's office," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 83 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Porter
Mr. H. J. Allen	Mr. Fitzhugh	Mr. Prescott
Mr. Averill	Mr. Fox	Mr. Pruyn

Mr. Beekman	Mr. Gates	Mr. Raynor
Mr. Bellinger	Mr. A. Gilbert	Mr. W. H. Robertson
Mr. Boardman	Mr. Glass	Mr. Rockwell
Mr. Bogart	Mr. Goddard	Mr. Rose
Mr. Boughton	Mr. Gove	Mr. Rounseville
Mr. Bowen	Mr. Guernsey	Mr. Skeel
Mr. Brinkerhoff	Mr. Hammond	Mr. S ocum
Mr. Brewer	Mr. Hart	Mr. Smalley
Mr. Budd	Mr. Hudson	Mr. L. Ward Smith
Mr. Bull	Mr. A. Johnson	Mr. Speaker
Mr. Bush	Mr. Kennedy	Mr. Stevens
Mr. Button	Mr. Kidd	Mr. Stewart
Mr. L. Butts	Mr. Leavenworth	Mr. Strever
Mr. W. Butts	Mr. McKinney	Mr. Sweet
Mr. Buxton	Mr. McLean	Mr. Terry
Mr. Campbell	Mr. Maine	Mr. B. Thompson
Mr. Carver	Mr. Marsh	Mr. J. E. Thompson
Mr. Clark	Mr. Miller	Mr. A. Tuttle
Mr. Cornell	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Crispell	Mr. Mowry	Mr. White
Mr. Crittenden	Mr. Nash	Mr. Whittaker
Mr. Cross	Mr. Noble	Mr. Wisewell
Mr. Culbert	Mr. Pardee	Mr. Woodruff
Mr. Elderkin	Mr. Picket	Mr. Young
Mr. Elwood	Mr. Pierce	

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act respecting the time of the payment of drafts or bills of exchange drawn or made payable at sight."

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, as follows:

{ AYES 40 }  
{ NAYS 50 }

Those who voted in the affirmative are,

Mr. Averill	Mr. Gates	Mr. Porter
Mr. Beekman	Mr. A. Gilbert	Mr. Pruyn
Mr. Bogart	Mr. Glass	Mr. Raynor
Mr. Boughton	Mr. Goddard	Mr. Rockwell
Mr. Bowen	Mr. Harmon	Mr. L. Ward Smith
Mr. Brewer	Mr. Hudson	Mr. Speaker
Mr. Campbell	Mr. A. Johnson	Mr. Stevens
Mr. Clark	Mr. Kennedy	Mr. B. Thompson
Mr. Cross	Mr. Leavenworth	Mr. Varnum
Mr. Elderkin	Mr. McLean	Mr. Wells
Mr. Elwood	Mr. Marsh	Mr. Wheaton

Mr. Fiske  
Mr. Fitzhugh  
Mr. Fox

Mr. Moffatt  
Mr. Noble

Mr. White  
Mr. Woodruff

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Those who voted in the negative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Bailey  
Mr. Bellinger  
Mr. Boardman  
Mr. Brinkerhoff  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. L. Butts  
Mr. W. Butts  
Mr. Buxton  
Mr. Carver  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden

Mr. Culbert  
Mr. Curtis  
Mr. L. M. Gilbert  
Mr. Gove  
Mr. Guernsey  
Mr. Hart  
Mr. Kidd  
Mr. McKinney  
Mr. Maine  
Mr. Miller  
Mr. Mowry  
Mr. Nash  
Mr. Picket  
Mr. Pierce  
Mr. Prescott  
Mr. W. H. Robertson  
Mr. Rose

Mr. Rounseville  
Mr. Skeel  
Mr. Slocum  
Mr. Smalley  
Mr. W. S. Smith  
Mr. Stewart  
Mr. Strever  
Mr. Sweet  
Mr. Terry  
Mr. J. E. Thompson  
Mr. A. Tuttle  
Mr. H. C. Tuthill  
Mr. Whittaker  
Mr. Willard  
Mr. Wisewell  
Mr. Young

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Mr. W. S. Smith moved the House reconsider its vote on the final passage of the said bill.

Mr. Cornell moved that the said motion of Mr. W. S. Smith be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

The engrossed bill entitled "An act to correct the tax books in the Comptroller's office, and authorising extracts from records in his office to be taken therefrom and read as evidence," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Averill  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Bogart

Mr. Fitzhugh  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Gove

Mr. Pruyn  
Mr. Raynor  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. Skeel



Mr. Boughton  
Mr. Bowen  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. L. Butts  
Mr. W. Butts  
Mr. Buxton  
Mr. Campbell  
Mr. Carver  
Mr. Clark  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Elderkin  
Mr. Elwood  
Mr. Fiske

Mr. Guernsey  
Mr. Hammond  
Mr. Hart  
Mr. Hudson  
Mr. A. Johnson  
Mr. Kennedy  
Mr. Kidd  
Mr. Leavenworth  
Mr. McKinney  
Mr. McLean  
Mr. Maine  
Mr. Marsh  
Mr. Miller  
Mr. Moffatt  
Mr. Mowry  
Mr. Nash  
Mr. Noble  
Mr. Pardee  
Mr. Picket  
Mr. Pierce  
Mr. Porter  
Mr. Prescott

Mr. Slocum  
Mr. Smalley  
Mr. L. Ward Smith  
Mr. W. S. Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stewart  
Mr. Strever  
Mr. Sweet  
Mr. Terry  
Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. A. Tuttle  
Mr. H. C. Tuthill  
Mr. Varnum  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the supervisors of the county of Montgomery to contract with the supervisors of the county of Albany to keep certain prisoners in the penitentiary of Albany county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Averill  
Mr. Bailey  
Mr. Beekman  
Mr. Boardman  
Mr. Bogart  
Mr. Boughton  
Mr. Bowen  
Mr. Brinkerhoff  
Mr. Budd  
Mr. Bull

Mr. Fitzhugh  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Gove  
Mr. Guernsey  
Mr. Hammond  
Mr. Harmon  
Mr. Hart  
Mr. Hudson

Mr. Raynor  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. Skeel  
Mr. Slocum  
Mr. Smalley  
Mr. L. Ward Smith  
Mr. W. S. Smith  
Mr. Speaker  
Mr. Stevens

Mr. Bush	Mr. Kidd	Mr. Stewart
Mr. Button	Mr. Leavenworth	Mr. Strever
Mr. L. Butts	Mr. McKinney	Mr. Sweet
Mr. W. Butts	Mr. McLean	Mr. Terry
Mr. Buxton	Mr. Maine	Mr. B. Thompson
Mr. Campbell	Mr. Marsh	Mr. J. E. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cornell	Mr. Mowry	Mr. Varnum
Mr. Crispell	Mr. Nash	Mr. Wells
Mr. Crittenden	Mr. Noble	Mr. Wheaton
Mr. Cross	Mr. Pardee	Mr. White
Mr. Culbert	Mr. Pickett	Mr. Whittaker
Mr. Curtis	Mr. Pierce	Mr. Willard
Mr. Elderkin	Mr. Porter	Mr. Wisewell
Mr. Elwood	Mr. Prescott	Mr. Woodruff
Mr. Fiske	Mr. Pruyn	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Sweet gave notice that he would at an early day ask leave to introduce a bill the more effectually to compel the attendance of petit jurors in courts of record in this State.

Mr. Maine gave notice of his intention at an early day to ask leave to introduce a bill in aid of the analytical and agricultural departments of chemistry, established in De Ruyter Institute.

Mr. A. Johnson gave notice that he would at an early day ask leave to introduce a bill to allow counsellors at law to take affidavits and administer oaths.

Mr. Pruyn gave notice that he would at an early day ask leave to introduce a bill to abolish the office of county superintendent of the poor in the county of Albany.

Mr. Pruyn gave notice that he would an early day ask leave to introduce a bill relating to claims against the county of Albany.

Mr. McLean gave notice that he would at an early day ask leave to introduce a bill to provide for the appointment of a railroad commissioner.

On motion of Mr. Wisewell,

*Resolved*, That the petition and papers relating to the claim of Davidson Moshier, be taken from the files of the last House, and referred to the committee on claims.

In pursuance of previous notice, Mr. L. Ward Smith asked and obtained leave to introduce a bill, entitled "An act to amend the charter of the city of Rochester," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Boughton asked and obtained leave to introduce a bill, entitled "An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings;" which was read the first time,

and by unanimous consent was also read a second time and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Raynor asked and obtained leave to introduce a bill, entitled "An act making an appropriation for the Buffalo Hospital of the Sisters of Charity;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies and colleges.

In pursuance of previous notice, Mr. Crispell asked for and obtained leave to bring in a bill entitled "An act in relation to the dog tax in the county of Ulster;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

Leave of absence was granted to Mr. A. Robertson, Mr. Dodge, Mr. Vincent, Mr. Markel and Mr. B. Allen for one week each, and to Mr. Van Auken for ten days.

On motion of Mr McKinney,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the clerk, and also the register of the city and county of New-York, are each hereby required respectively to report under oath to this House, at an early day, the whole amount of official fees, perquisites and emoluments received or charged in their respective offices during the years 1847 and 1848, (keeping each year separate) for official services, also the amount of salaries allowed them respectively during the year 1848, and the number of deputies or other subordinate clerks employed in each of their offices, and the salaries or compensation paid to each of said subordinate clerks during the years aforesaid, (keeping each year separate.)

Mr. Pardee offered for the consideration of the House a concurrent resolution in the word followings, to wit:

*Resolved*, (if the Senate concur) That a gold medal be presented by his excellency the Governor, to Captain Hamilton W. Merrill of the 2d regiment of U. S. Dragoons, with appropriate devices thereon, together with the thanks of this Legislature for his distinguished services in the late war with Mexico.

Debate being had thereon,

*Ordered*, That the said resolution be laid on the table.

Mr. Nash gave notice that he would ask leave at an early day to introduce a bill to revive the powers of the Hedding Society, of the first Methodist Episcopal church, in the town of Cayuta, county of Chemung, granted by the act of incorporation, recorded in the clerk's office of said county on the 22d day of December, 1832.

On motion of Mr. Curtis,

*Resolved*, That the act entitled "An act to provide for the distribution of the annuity due to the Onondaga Indians, passed May 1, 1847," be referred to the Attorney General, asking his opinion whether the provisions of that law be incompatible with existing treaties of this state with the Onondaga Indians; and whether any law can be framed by this Legislature to make an equal distribution of such annuity to every person entitled thereto, wherever tribes,

bands or individuals of the Onondaga Indians be scattered over the state.

On motion of Mr. Button,

The house proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, That the Clerk of the Assembly be authorised and directed to procure for each member and officer of the Assembly, a recently published map of the United States and Mexico, showing in detail the territories recently acquired by the late treaty between the above governments, provided that the expense of the above named map does not exceed two dollars.

Mr. A. Johnson moved to amend the said resolution by adding "a map of the state of New-York."

Mr. W. S. Smith moved to lay the said resolution on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith and it was determined in the affirmative.

On motion of Mr. W. S. Smith,

*Resolved*, That an act to annex a part of the town of Canajoharie to the town of Minden, be made a special order for this day at 12 o'clock.

The House then resolved itself into a committee of the whole on the bill entitled "An act for the payment of money to the heirs of William Gall deceased, for land given to him for his services as a revolutionary soldier," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Budd from said committee reported progress and asked and obtained leave to sit again.

On motion of Mr. Bowen,

*Resolved*, That the bill entitled "An act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose," be referred to the committee of the whole having in charge the bill entitled "An act to annex a part of the town of Canajoharie to the town of Minden."

The House then resolved itself into a committee of the whole, on the special order of the day, it being the bills entitled as follows:

"An act to annex a part of the town of Canajoharie to the town of Minden"

"An act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sexton from said committee, reported that the committee had gone through said first mentioned bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading

Mr. Sexton from the same committee reported that the committee had gone through said second mentioned bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

By unanimous consent,

The bill entitled "An act to annex a part of the town of Canajoharie to the town of Minden," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members be present, as follows:

{ AYES 77 }  
{ NAYS 02 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Gates	Mr. Raynor
Mr. Bailey	Mr. A. Gilbert	Mr. W. H. Robertson
Mr. Beekman	Mr. L. M. Gilbert	Mr. Rose
Mr. Bellinger	Mr. Goddard	Mr. Rounseville
Mr. Boardman	Mr. Guernsey	Mr. Sexton
Mr. Bogart	Mr. Hammond	Mr. Skeel
Mr. Boughton	Mr. Harmon	Mr. Slocum
Mr. Bowen	Mr. Hart	Mr. Smalley
Mr. Brinkerhoff	Mr. Hudson	Mr. L. Ward Smith
Mr. Brewer	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bull	Mr. Kidd	Mr. Stevens
Mr. Bush	Mr. Leavenworth	Mr. Stewart
Mr. Button	Mr. McKinney	Mr. Strever
Mr. L. Butts	Mr. McLean	Mr. Sweet
Mr. W. Butts	Mr. Maine	Mr. Terry
Mr. Campbell	Mr. Marsh	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. J. E. Thompson
Mr. Cornell	Mr. Moffatt	Mr. A. Tuttle
Mr. Crispell	Mr. Mowry	Mr. H. C. Tuthill
Mr. Cross	Mr. Nash	Mr. Varnum
Mr. Curtis	Mr. Noble	Mr. Wells
Mr. Danforth	Mr. Picket	Mr. Wheaton
Mr. Elderkin	Mr. Pierce	Mr. Whittaker
Mr. Elwood	Mr. Porter	Mr. Woodruff
Mr. Fiske	Mr. Prescott	Mr. Young
Mr. Fox	Mr. Pruyn	

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Those who voted in the negative are,

Mr. Clark                      Mr. Kennedy                      2

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

By unanimous consent,

The engrossed bill, entitled "An act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the af-

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 82 }  
{ NAYS 90 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Raynor
Mr. Averill	Mr. L. M. Gilbert	Mr. W. H. Robertson
Mr. Bailey	Mr. Glass	Mr. Rose
Mr. Beekman	Mr. Goddard	Mr. Rounseville
Mr. Bellinger	Mr. Guernsey	Mr. Sexton
Mr. Boardman	Mr. Hammond	Mr. Skeel
Mr. Bogart	Mr. Harmon	Mr. Slocum
Mr. Boughton	Mr. Hart	Mr. Smalley
Mr. Bowen	Mr. Hudson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. W. S. Smith
Mr. Brewer	Mr. Kennedy	Mr. Stevens
Mr. Budd	Mr. Kidd	Mr. Stewart
Mr. Bush	Mr. Leavenworth	Mr. Strever
Mr. Button	Mr. McKinney	Mr. Sweet
Mr. L. Butts	Mr. McLean	Mr. Terry
Mr. W. Butts	Mr. Maine	Mr. B. Thompson
Mr. Campbell	Mr. Marsh	Mr. J. E. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cornell	Mr. Mowry	Mr. Varnum
Mr. Crispell	Mr. Nash	Mr. Wells
Mr. Curtis	Mr. Noble	Mr. Wheaton
Mr. Danforth	Mr. Picket	Mr. Whittaker
Mr. Elderkin	Mr. Pierce	Mr. Willard
Mr. Elwood	Mr. Porter	Mr. Wisewell
Mr. Fiske	Mr. Prescott	Mr. Woodruff
Mr. Fox	Mr. Pruyn	Mr. Young
Mr. Gates		

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The House then again resolved itself into a committee of the whole on the bill entitled "An act for the payment of money to the heirs of William Gall, deceased, for land given to him for his services as a revolutionary soldier," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Budd from said committee, reported said bill to the House with the enacting clause stricken out, as follows :

**An act for the payment of money to the heirs of William Gall, deceased, for land given to him for his services as a revolutionary soldier.**

*The People of the State of New-York represented in Senate and Assembly, do enact as follows:*

§ 1. That the treasurer, upon the warrant of the comptroller, pay out of any money in his hands not otherwise appropriated, to Isaac Harding, John Harding, Alexander Harding, Deborah Brinckerhoof, wife of Gilbert Brinckerhoof, Charlotte Dewitt, wife of James Dewitt, Martha Dubois, wife of Jacob Dubois, Gilbert Brinckerhoof, James Brinckerhoof, Caroline Brinckerhoof, Lavina Luckey and Maria Johnson, heirs at law of William Gall, deceased, or to their attorney, for that purpose duly authorised, the sum of two thousand dollars, in full satisfaction for five hundred acres of land, directed to be granted to the said William Gall, by the third section of the act entitled "An act for the relief of David Bates, Henry Ten Eyck and William Gall," passed March 8, 1802, being for the services of the said William Gall as a soldier in the New-York line of the army of the revolution.

§ 2. This act shall take effect immediately.

A quorum of members not being present,

Mr. Brewer moved a call of the House.

The roll having been called and a quorum of members answering to their names,

Mr. A. Johnson moved that further proceedings under the call be suspended.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Johnson, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

{ AYES 45 }  
{ NAYS 29 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Bailey	Mr. Elwood	Mr. Skeel
Mr. Beekman	Mr. Fiske	Mr. Slocum
Mr. Bellinger	Mr. Gates	Mr. W. S. Smith
Mr. Bogart	Mr. Glass	Mr. Speaker
Mr. Brewer	Mr. Goddard	Mr. Strever
Mr. Budd	Mr. Hammond	Mr. Sweet
Mr. Bull	Mr. Kidd	Mr. Terry
Mr. Bush	Mr. Leavenworth	Mr. B. Thompson
Mr. Button	Mr. Miller	Mr. H. C. Tuthill
Mr. L. Butts	Mr. Moffatt	Mr. Varnum
Mr. W. Butts	Mr. Mowry	Mr. Wheaton

Mr. Clark	Mr. Noble	Mr. White	
Mr. Cornell	Mr. Picket	Mr. Wisewell	
Mr. Crispell	Mr. Raynor	Mr. Woodruff	
Mr. Curtis	Mr. Rounseville	Mr. Young	45

Those who voted in the negative are,

Mr. H. J. Allen	Mr. A. Johnson	Mr. Rose	
Mr. Boardman	Mr. McKinney	Mr. Smalley	
Mr. Boughton	Mr. McLean	Mr. Stevens	
Mr. Bowen	Mr. Maine	Mr. Stewart	
Mr. Brinkerhoff	Mr. Marsh	Mr. Stryker	
Mr. Danforth	Mr. Pardee	Mr. J. E. Thompson	
Mr. A. Gilbert	Mr. Pierce	Mr. A. Tuttle	
Mr. L. M. Gilbert	Mr. Porter	Mr. Whittaker	
Mr. Harmon	Mr. Pruyn	Mr. Wing	
Mr. Hart	Mr. W. H. Robertson		29

The House then resolved itself into a committee of the whole on the bill entitled "An act authorising the appraisal and payment of canal damages to Mathew Sayre," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Slocum from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered,* That the said bill be engrossed for its third reading.

And then, at forty minutes past one o'clock, p. m.,

On motion of Mr. Mowry,  
The House adjourned.

## MONDAY, FEBRUARY 12, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Kip.

The minutes of Saturday were read and approved.

Mr. Fiske presented the petition of Wm. H. Insley and 408 other inhabitants of Brooklyn for an act fixing the course of Hamilton avenue in the Sixth and Eighth wards of said city on a straight line as laid down on the commissioner's map of said city, and agreeable to a resolution of the common council, passed January 15, 1849, which was read and referred to the committee on the judiciary.

Mr. Elwood presented the petition of J. Sawyer and 20 other citizens of Clinton, in the county of Oneida, for a law abolishing capital punishment, which was read and laid on the table.

Mr. Wheaton presented the memorial of the Onondaga Co. Teachers institute, for an amendment of the bill, entitled "An act for the establishment of Teachers Institutes," passed Nov. 13, 1847, which



was read and referred to the committee on colleges, academies and common schools.

Mr. Willard presented two several petitions of inhabitants of Steuben co., for a division of said county, and remonstrating against a new county from parts of Steuben and Allegany, which were read and referred to the committee on the erection and division of towns and counties.

Messrs. L. Butts and Noble presented three several remonstrances of inhabitants of Delaware county, against the erection of a new county with the county seat at Deposit, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Elwood presented the petition of Daniel Judson of Utica, Oneida county, for a law to establish town industrial farming and mechanical schools throughout the state, which was read and referred to the committee on agriculture.

Mr. Rose presented the remonstrance of 84 citizens of Wyoming co., against the proposed amendment of the charter of the Attica and Hornellsville Railroad company, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Varnum presented the petition of Henry Laverty and 70 others of the principal dry goods houses in New-York for the removal of the quarantine establishment from Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. Bowen presented the remonstrance of Grinnell, Minturn & Co., and 73 other commercial firms in the city of New-York, against the removal of the quarantine establishment from Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. Fox presented the petition of inhabitants of Oswego co., for a law exempting the homestead from sale on execution, which was read and referred to the select committee on that subject.

Mr. Noble presented the petition of inhabitants of Delaware and Otsego counties, for the erection of a new county to be called Unadilla, and remonstrating against the erection of the proposed new county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Carver presented two petitions of inhabitants of Erie co., for a law declaring the public use of a railroad from Hornellsville to Buffalo, through the towns of Holland and Aurora, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. W. H. Robertson presented the memorial of sundry inhabitants and tax payers of Sing Sing, Westchester co., praying for a law establishing free schools in that village, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Nash presented the petition of 87 inhabitants of Chemung co., praying for a law to establish free schools throughout the state, which was read and referred to the committee on colleges, academies and common schools.

Mr. Willard presented the petition of 350 voters of Allegany co., for a law authorising the removal of the county buildings to Phillipsville in said county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Boardman presented the remonstrance of 105 inhabitants of Allegany co., against the removal of the county buildings of said county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Pruyn presented the petition of P. McMahon for a law compelling the county of Tioga to reimburse him for the burning of his property by incendiaries in that county in December 1848, which was read and referred to the committee on the judiciary.

Mr. Crispell presented two several petitions of sundry citizens of Ulster county, praying for an amendment of the charter of the Saugerties and Woodstock Turnpike Road Company, which were read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Graham presented five several petitions of sundry inhabitants of Esopus and Kingston, Ulster co., for a law establishing a ferry at South Rondout in said county, which were read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Stewart, Fox, and Sweet presented three several petitions of sundry inhabitants of the counties of Madison, Tioga and Oswego, for a law to provide for the advertisement and sale of lands upon which taxes are not paid in the counties in which they are located, which were read and referred to the select committee on that subject.

Mr. L. Ward Smith presented the remonstrance of Geo. W. Pratt, against the destruction of the plates of the Exchange Bank of Rochester, which was read and referred to the committee on banks and insurance companies.

Mr. J. E. Thompson and Mr. Noble presented two several remonstrances of a number of the supervisors and citizens of Delaware co., against the formation of a new county from parts of Delaware and other counties, with county seat at Tompkins, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Willard presented the memorial of sundry inhabitants of Steuben co., for a law authorising the taxing of debts due non-resident aliens, which was read and referred to the committee on the judiciary.

Messrs. Picket, Elderkin and Gove presented three several petitions of sundry inhabitants of the counties of St. Lawrence and Franklin, for a law authorising the construction of a bridge across the outlet of Lake Champlain, which were read and referred to the select committee on that subject.

Mr. Goff and Mr. Carver presented three several remonstrances of sundry inhabitants of the counties of Essex and Clinton, against building a bridge across the outlet of Lake Champlain, which were read and referred to the select committee on that subject.

Mr. Guernsey presented the resolution of the board of supervisors

of Chautauque county, for an act making Thomas Sanderson, a lunatic, now at the State Lunatic Asylum, a state instead of county charge, which was read and referred to the committee on medical societies.

Mr. Brinkerhoff, from the committee on state prisons, to which was referred the petition of Messrs. Hotchkiss and Smith for the appointment of commissioners to examine and liquidate their claims against the agent of the Sing Sing prison, reported, and asked and obtained leave to bring in a bill, entitled "An act to provide for liquidating the claims of Horace Hotchkiss and William P. Smith against the agent of the Sing Sing prison," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

On motion of Mr. Brinkerhoff,

*Ordered*, That the said petition be printed.

Mr. L. Ward Smith, from the select committee, to which was referred the bill entitled "An act to amend the laws relating to the equalization of assessments and the correction of assessment rolls," reported the bill for the consideration of the House.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Wheaton from the committee on charitable and religious societies, to which was referred the petition of the St. Vincents Orphan Asylum Society in the city of Albany, for an act of incorporation, reported, and asked, and obtained leave to bring in a bill entitled "An act to incorporate the St. Vincents Orphan Asylum Society in the city of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Varnum from the committee on railroads, to which was referred the bill entitled "An act to amend an act relating to the New-York and Harlem Railroad Company, passed May 7, 1840, and the acts amending the same," reported, that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bill entitled as follows, to wit:

"An act authorising the appraisal and payment of canal damages to Mathew Sayre."

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, Feb. 9, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bills, entitled as follows:

"An act to provide for the support of the Marine Hospital, by transferring a portion of the commutation fund to that object."

"An act to establish the place of holding the town meeting in the town of Lincklean for the year 1849."

### HAMILTON FISH.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act in relation to the Cypress hill cemetery," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. W. S. Smith,

*Ordered*, That the said bill be referred to a select committee, consisting of the delegation from Queens county.

A message from the Senate was received and read, informing that they had passed without amendment the bills and resolutions therewith returned, entitled "An act to repeal an act relating to road district No. 2, in Persia, Cattaraugus county."

"An act to fix the time and place for holding the annual town meeting in the town of Carrolton, in the county of Cattaraugus."

The concurrent resolutions relating to the erection of a monument to General Herkimer.

*Ordered*, That the Clerk deliver the said bills and resolutions to the Governor.

A message from the Senate was received and read, in the words following, to wit:

*Resolved*, That a respectful message be sent to the Hon. the Assembly, requesting the transmission to the Senate of the remonstrance signed by William Pitkin and others, against abolishing the mayor's court of the city of Rochester, presented at the present session.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill entitled "An act authorising the appraisal and payment of canal damages to Mathew Sayre," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 77 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Fiske	Mr. Raynor
Mr. Bailey	Mr. Fitzhugh	Mr. W. H. Robertson
Mr. Barber	Mr. Gates	Mr. Rose
Mr. Beekman	Mr. A. Gilbert	Mr. Rounseville
Mr. Bellinger	Mr. L. M. Gilbert	Mr. Sexton
Mr. Boardman	Mr. Glass	Mr. Skeel
Mr. Bogart	Mr. Goff	Mr. Slocum

Mr. Boughton	Mr. Gove	Mr. Smalley
Mr. Bowen	Mr. Guernsey	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hammond	Mr. W. S. Smith
Mr. Bull	Mr. Hart	Mr. Speaker
Mr. Bush	Mr. Hudson	Mr. Stevens
Mr. Button	Mr. A. Johnson	Mr. Stewart
Mr. L. Butts	Mr. Leavenworth	Mr. Stryker
Mr. W. Butts	Mr. McKinney	Mr. Terry
Mr. Buxton	Mr. Maine	Mr. J. E. Thompson
Mr. Carver	Mr. Marsh	Mr. A. Tuttle
Mr. Clark	Mr. Miller	Mr. H. C. Tuthill
Mr. Cornell	Mr. Moffatt	Mr. Varnum
Mr. Crispell	Mr. Nash	Mr. Wheaton
Mr. Crittenden	Mr. Noble	Mr. White
Mr. Culbert	Mr. Picket	Mr. Willard
Mr. Curtis	Mr. Pierce	Mr. Wilcox
Mr. Danforth	Mr. Porter	Mr. Wisewell
Mr. Elderkin	Mr. Prescott	Mr. Young
Mr. Elwood	Mr. Pruyu	

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to amend the charter of the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Fitzhugh	Mr. Pruyu
Mr. Bailey	Mr. Fox	Mr. Raynor
Mr. Barber	Mr. Gates	Mr. W. H. Robertson
Mr. Beekman	Mr. A. Gilbert	Mr. Rose
Mr. Bellinger	Mr. L. M. Gilbert	Mr. Rounseville
Mr. Boardman	Mr. Glass	Mr. Sexton
Mr. Bogart	Mr. Goff	Mr. Skeel
Mr. Boughton	Mr. Gove	Mr. Slocum
Mr. Bowen	Mr. Guernsey	Mr. Smalley
Mr. Brinkerhoff	Mr. Hammond	Mr. L. Ward Smith
Mr. Bull	Mr. Harmon	Mr. W. S. Smith
Mr. Bush	Mr. Hart	Mr. Speaker
Mr. Button	Mr. Hudson	Mr. Stevens
Mr. L. Butts	Mr. A. Johnson	Mr. Stewart
Mr. W. Butts	Mr. Leavenworth	Mr. Stryker
Mr. Buxton	Mr. McKinney	Mr. Sweet
Mr. Carver	Mr. McLean	Mr. Terry

Mr. Clark	Mr. Maine	Mr. J. E. Thompson
Mr. Cornell	Mr. Marsh	Mr. A. Tuttle
Mr. Crispell	Mr. Miller	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Moffatt	Mr. Varnum
Mr. Culbert	Mr. Nash	Mr. Wheaton
Mr. Curtis	Mr. Noble	Mr. White
Mr. Danforth	Mr. Picket	Mr. Willard
Mr. Elderkin	Mr. Pierce	Mr. Wilcox
Mr. Elwood	Mr. Porter	Mr. Wisewell
Mr. Fiske	Mr. Prescott	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Rose gave notice that he would ask leave to introduce a bill to change the time of holding the annual meeting of the board of supervisors of the county of Suffolk.

On motion of Mr. Rose,

*Resolved*, That 200 copies of the report of the joint committee of the last Legislature on the Treasurer's accounts, be printed for the use of the banking department.

Mr. Willard gave notice that at some future day he would ask leave to introduce a bill for the relief of the Friendship academy, in the county of Allegany.

Mr. Bailey gave notice that he would ask leave at some future day to introduce a bill in relation to surrogates' courts.

In pursuance of previous notice, Mr. A. Johnson asked and obtained leave to introduce a bill, entitled "An act to authorise counsellors of the supreme court to take affidavits and to administer oaths," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Pruyn asked and obtained leave to introduce a bill, entitled "An act relating to claims against the county of Albany," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Pruyn asked and obtained leave to introduce a bill, entitled "An act to abolish the office of county superintendent of the poor in the county of Albany," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

Leave of absence was granted to Mr. Quackenboss for nine days, to Mr. Goddard for ten days, and to Mr. St. John for eight days.

Mr. Pierce gave notice that at some future day he would ask leave to introduce a bill to reduce the recording fees of the clerk of the county of Oneida.

Mr. Elderkin offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Comptroller be and he is hereby requested to furnish to this House a statement in relation to the draft paid by the

agent of the Sing Sing prison to Wm. Radford, in July last; and also the draft paid by Mr. Rowel to said Radford in December last, whether or not the draft made in July was paid first, and the circumstances in relation to the alteration of one of the drafts.

*Ordered*, That the said resolution be laid upon the table.

Mr. L. Butts gave notice that he would at some future day ask leave to introduce a bill to amend the act entitled an act to abolish distress for rent, and for other purposes, passed May 13, 1846.

The House then resolved itself into a committee of the whole on the bill entitled "An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Marsh from said committee reported that the committee had gone through said bill and agreed to the same with amendments.

Mr. W. S. Smith moved said bill be referred to a select committee to report complete.

*Ordered*, That Mr. W. S. Smith, Mr. Fiske, Mr. Tuthill, Mr. Pruyn and Mr. Button be such committee.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend the act entitled 'An act to provide for the appraisal of canal damages of John Niles, caused by the Kingsley brook reservoir,'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Gates from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to provide for the incorporation of insurance companies," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Danforth from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend an act to authorise the formation of the Niagara Falls House Company, passed March 24, 1848," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Prescott from said committee, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to declare the public use of a railroad from Auburn to Binghamton," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Harmon from said committee, reported that the committee had gone through the said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise the canal commissioners to change at two points the line of the Chemung canal," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hart

from said committee, reported that the committee had gone through the said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend the act entitled 'An act for the better security of mechanics and others erecting buildings and furnishing materials therefor, in the county of Richmond, passed May 11, 1846,'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Rounseville from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act relating to a street in the fifth ward of the city of Brooklyn," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Mowry from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to remunerate Jonathan N. Davis for losses from the failure of title to certain lands in Essex county, sold by the Comptroller at the tax sale of 1839," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pickett from said committee, reported progress and asked for and obtained leave to sit again.

And then at two o'clock p. m.,

On motion of Mr. Cross,  
The House adjourned.

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## TUESDAY, FEBRUARY 13, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lowrey.

The minutes of yesterday were read and approved.

Mr. J. E. Thompson presented the petition of sundry inhabitants of Delhi, Delaware county, for the abolition of the death penalty, which was read and laid on the table.

Mr. W. Butts presented seven several remonstrances of sundry inhabitants of counties lying on the Hudson river, against any law prohibiting the use of drift nets in that river, which were read and referred to the select committee on that subject.

Mr. B. Thompson presented the petition of sundry citizens of Wyoming, Cattaraugus, Erie and Allegany counties, for an act to declare the public utility of a railroad from Buffalo direct to Hornellsville under the general act, which was read and referred to the committee on railroads.



Mr. Fitzhugh presented three several petitions of sundry citizens of Oswego co., for a law authorising the raising of money by tax to purchase and repair the bridge of the Oswego Falls Bridge Company, in the village of Fulton, and to make the same free, which were read and referred to the committee on roads and bridges.

Mr. Wing presented the petition of the heirs of Hendrick Halenbeck, for a law authorising them to sell the Halenbeck burial ground in the city of Albany, and to remove the remains of persons interred therein to the Albany Rural Cemetery, which was read and referred to the committee on charitable and religious societies.

Mr. Mowry presented the memorial and proceedings of a meeting of 300 citizens of the counties of Rensselaer and Washington, asking for a charter for a railroad from Troy, passing through said counties, to some point in the easterly line of the state, and there to intersect with the Rutland and Washington railroad, which was read and referred to the committee on railroads.

Mr. Carver and Mr. Elderkin presented two several petitions of sundry inhabitants of Clinton and St. Lawrence counties, for a law authorising the erection of a bridge across Lake Champlain to Rouse's Point, which were read and referred to the select committee on that subject.

Mr. Raynor presented the petition of Elizabeth S. Granger, Warren Granger and James N. Granger, for an act authorising the appraisal and payment of canal damages caused by the Black Rock dam, which was read and referred to the committee on canals.

Mr. Pardee presented three several petitions of sundry inhabitants of Genesee co., for a law consolidating the several railroads between Albany and Buffalo, which was read and referred to the committee on railroads.

Mr. Buxton and Mr. Raynor presented two several petitions of sundry inhabitants of Erie co., for a law to make the clerk's office in that county a salaried office, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Wells presented the petition of sundry inhabitants of Warren and Hamilton counties, for a law appointing commissioners to lay out a road from Johnsville, in Warren co., to Wells, in Hamilton co., and to provide means to construct the same, which was read and referred to the committee on roads and bridges.

Mr. B. Thompson presented the petition of the Syracuse and Utica Railroad Company, for the repeal of the law requiring compensation for causing death by wrongful act, neglect or default, also to limit the speed of railway trains and to prohibit the running at large over railroad tracks of cattle and domestic animals, which was read and referred to the committee on the judiciary.

Mr. Fiske presented the memorial of Wm. B. Townsend, stating that there were but seventeen persons present, members of the chamber of commerce, when it was unanimously resolved that the quarantine ought not to be removed, which was read and referred to the committee on commerce and navigation.

Mr. Goff presented two remonstrances of citizens of the county

of Clinton against a law authorising the construction of a bridge across the navigable water of Lake Champlain at Rouse's point, which were read and referred to the select committee on that subject.

Mr. Green presented the petition of the Reformed Protestant Dutch church of the city of Schenectady, praying to be released from the operations of the act passed May 13, 1846, "to equalise taxation," which was read and referred to the committee on the internal affairs of towns and counties.

Mr. B. Thompson presented the petition of citizens of Buffalo for an act requiring assessment rolls in that city to be deposited with the treasurer of the city for thirty days before they are delivered to the collector, which was read and referred to the committee on the judiciary.

Mr. Bellinger presented the remonstrance of inhabitants of Herkimer co., against the repeal of the law concerning passengers arriving at the ports of entry and landings in this State, passed Dec. 10, 1848, which was read and referred to the select committee on that subject.

Mr. Fitzhugh presented three several remonstrances of sundry inhabitants of Oswego co., against raising money by tax to construct a new bridge at the Oswego falls, above the village of Fulton, which were read and referred to the committee on roads and bridges.

Mr. Cross presented the memorial of William H. Pillow, in relation to the alleged abuses of the Shakers, which was read and referred to the select committee on the bill relating to certain trusts, &c.

Mr. Miller presented the petition of Wm. Smith and 70 other inhabitants of the county of Suffolk, for a law to protect woodlands in that county against fires.

On motion of Mr. Miller,

*Ordered*, That said petition be referred to a select committee.

*Ordered*, That Mr. W. S. Smith, Mr. Rose and Mr. Miller be such select committee.

Mr. Sexton presented the petition of sundry inhabitants of Cobleskill, Schoharie co., praying for a division of that town and the erection of a new town from the western part thereof, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Raynor presented the remonstrance of physicians and surgeons of Buffalo against the application of the Buffalo City Hospital under its present charter, for an appropriation, which was read and referred to the committee on medical societies and colleges.

Mr. Elwood presented seven remonstrances of citizens of Troy, against the establishment of a police court in that city and praying for a modification of the existing justice's court, which was read and referred to the committee on the judiciary.

Mr. Hart presented the remonstrance of two of the directors of the Caughnawaga Bridge company against any law to repeal or modify the act incorporating said company, which was read and re-

ferred to the committee of the whole when on the bill upon that subject.

Mr. Bowen presented two several remonstrances of sundry ship-masters and pilots of the port of New-York, against the removal of the quarantine, which was read and referred to the committee on commerce and navigation.

Mr. Speaker presented the petition of Martlitt & Dunham for compensation for work done by contract for the state on the canal, which was read and referred to the committee on canals.

Mr. Rose presented the remonstrance of sundry citizens of Wyoming co., against the amendment of the charter of the Attica and Hornellsville Railroad company, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Bowen presented the petition of sundry inhabitants of the city of New-York, praying for the establishment of a board of commissioners to hear and determine claims against the state, which was read and referred to the committee on the judiciary.

Mr. Pruyn, from the committee on colleges, academies and common schools, to which was referred the petition of the New-York Historical Society, for aid in the erection of a fire proof building, reported, and asked, and obtained leave to bring in a bill entitled "An act making a conditional appropriation towards erecting a fire proof building for the New-York Historical Society," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

(See Doc. No. 95.)

Mr. W. S. Smith moved that 5 times the usual number of the said report be printed for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. Curtiss from the committee on Indian affairs to which was referred the petition of the chiefs of the Onondaga Indians for a law to prevent frauds in taking the census of Indians, and for the more effectual distribution of national funds, reported, and asked, and obtained leave to bring in a bill entitled "An act to provide against taking a fraudulent census among the Onondaga Indians, and give them power to apply national funds," which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Curtis from the committee on Indian affairs, to which was referred the petition of sundry inhabitants of Chautauque co., for a law making the expense of supporting criminal jurisdiction over the Indians and their several reservations in Western New-York, chargeable to the state or to the Indian funds now in the hands of the state, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Brekman from the committee on colleges, academies and common schools, to which was referred the petition of school district No. 1, in the town of German Flatts, for a law to authorise them to borrow money to build a school house, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the trustees of school district No. 1, in the town of German Flatts to borrow money to build a school house," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Bellinger,

*Ordered*, That the said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Bellinger, Mr. W. S. Smith, Mr. Maine, Mr. Wilcox and Mr. Pruyn be such committee.

Mr. Raynor, from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorise Neziah Bliss and others to erect and maintain docks in the town of Bushwick, in the county of Kings," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Danforth from the committee on grievances, to which was referred the petition of Dennis McCarthy, Grove Lawrence, and Asabel L. Smith to be discharged from their bond for the treasurer of Ononda, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the settlement of the claims of this state against the bail of the late county treasurer of the county of Onondaga;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Fiske from the committee on commerce and navigation, to which was referred the bill entitled "An act to incorporate the Williamsburgh Ferry Company," reported, that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Guernsey from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of Oswego co., for a free bridge over the Oswego river at Oswego, reported, and asked, and obtained leave to bring in a bill entitled "An act authorising the supervisors of the county of Oswego to raise money to construct a free bridge over the Oswego river," which was read the first time, and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Fitzhugh from the committee on canals, to which was referred the bill entitled "An act to amend an act providing for the improvement of Conesus lake as a reservoir to supply the Genesee Valley

and Erie Canals with water, passed April 12, 1848," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows to wit:

"An act relating to a street called Navy-street in the fifth ward of the city of Brooklyn."

"An act to amend an act to authorise the formation of the Niagara Falls House Company, passed March 24, 1848."

"An act to declare the public use of a railroad from Auburn to Binghamton."

"An act to authorise the Canal Commissioners to change at two points the line of the Chemung canal."

"An act to amend an act entitled 'An act to provide for the appraisal of canal damages of John Niles, caused by the Kingsley brook reservoir.'"

And found the same correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. Butts, from the select committee, to which was referred the bill entitled "An act to reduce the rate of interest," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. W. S. Smith, from the select committee, to which was referred the engrossed bill from the Senate, entitled "An act in relation to the Cypress Hill Cemetery," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. W. S. Smith,

*Ordered*, That the said bill be read a third time.

Mr. L. Ward Smith, from the select committee, to which was referred the bill entitled "An act to equalize assessments and to provide for the taxation of mortgages," reported said bill to the House for its consideration.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. W. S. Smith, from the select committee, to which was referred the bill entitled "An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush," to report complete, reported that the committee had gone through the said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, Feb. 12, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bill entitled as follows:

"An act to fix the time and place for holding annual town meetings in the town of Carrolton, in the county of Cattaraugus."

"An act to repeal an act relating to road district No. 2 in Persia, Cattaraugus county."

HAMILTON FISH.

A message from the Governor, transmitting a catalogue of engravings and medals presented by Pope Pius IX, and a letter from the Right Rev. Bishop Hughes accompanying the same, was received and referred to the joint library committee.

(See Doc. No. 117.)

Mr. Beekman moved that five times the usual number be printed.

*Ordered*, That the said motion be referred to the committee on public printing.

The report of the Commissioners of the Land Office, on the petition of Harriet R. Burt of the city of Buffalo, for the release of a certain mortgage held by the state, was received and referred to the committee on public lands.

(See Doc. No. 102.)

A communication from the Comptroller, in answer to a resolution of this House of Feb. 8, in relation to the balance due the treasury on account of the United States Deposit Fund, was received and referred to the committee on ways and means.

A communication from the Commissioners of the Land Office, in answer to a resolution of this House of Feb. 8, relative to lands ceded to the state by the Orchard party of Oneida Indians in the years 1830, 1834, 1841 and 1842, was received and referred to the committee on Indian affairs.

(See Doc. No. 103.)

A communication from the Secretary of State, in relation to printing the records and documents relating to the early history of the state, obtained in Europe by John Romeyn Broadhead, a special agent of this state, was received and referred to the joint library committee.

(See Doc. No. 188.)

The Annual report of the New-York State Agricultural Society, was received and referred to the committee on agriculture.

(See Doc. No. 200.)

Mr. Maine moved that twenty times the usual number of the report of the New-York State Agricultural Society be printed for the use of the Legislature, also five hundred copies for the use of the Society, five hundred copies for the American Institute, and forty copies for each county in this state for the benefit of the agricultural societies of said counties, and that the same be bound in like manner as those formerly bound by the Agricultural Society, and that they be printed and bound under the direction of the executive committee of the New-York State Agricultural Society.

Mr. B. Thompson moved that thirty times the usual number of said report be printed for the use of the Legislature.

*Ordered*, That the said motions be referred to the committee on public printing.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act making appropriations in part for the expenses of government for the fiscal year commencing October 1, 1848, and for other purposes."

The amendments were read, when,

Mr. W. S. Smith moved the House do concur in the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members be present, as follows:

{ AYES 84 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. Glass	Mr. Sexton
Mr. Barber	Mr. Gove	Mr. Skeel
Mr. Beekman	Mr. Green	Mr. Slocum
Mr. Bellinger	Mr. Guernsey	Mr. Smalley
Mr. Boardman	Mr. Hammond	Mr. L. Ward Smith
Mr. Bogart	Mr. Harmon	Mr. W. S. Smith
Mr. Boughton	Mr. Hart	Mr. Speaker
Mr. Buld	Mr. A. Johnson	Mr. Stevens
Mr. Bull	Mr. Kennedy	Mr. Stewart
Mr. Bush	Mr. Leavenworth	Mr. Strever
Mr. Button	Mr. McKinney	Mr. Stryker
Mr. L. Butts	Mr. McLean	Mr. Terry
Mr. W. Butts	Mr. Maine	Mr. B. Thompson
Mr. Buxton	Mr. Marsh	Mr. J. E. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cornell	Mr. Nash	Mr. Van Auken
Mr. Crispell	Mr. Pardee	Mr. Varnum
Mr. Crittenden	Mr. Picket	Mr. Wells

Mr. Cross	Mr. Pierce	Mr. Wheaton
Mr. Culbert	Mr. Porter	Mr. White
Mr. Curtis	Mr. Prescott	Mr. Whittaker
Mr. Danforth	Mr. Pruyn	Mr. Willard
Mr. Fiske	Mr. Raynor	Mr. Wilcox
Mr. Fitzhugh	Mr. W. H. Robertson	Mr. Wing
Mr. Fox	Mr. Rockwell	Mr. Wisewell
Mr. Gates	Mr. Rose	Mr. Young

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

The Senate returned the engrossed bill, entitled "An act to authorise the Western Branch of the Schoharie turnpike road company to abandon a part of their road."

*Ordered,* That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, informing that they had passed without amendment the bill therewith returned, entitled "An act to confirm the official acts of Henry G. Button, a justice of the peace of the town of Westville."

*Ordered,* That the Clerk deliver said bill to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled, "An act to amend an act, entitled 'An act to organise the State Lunatic Asylum, and more effectually to provide for the care, maintenance and recovery of the insane,' passed April 7, 1842;" which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on medical societies and colleges.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to fill in repairing and improving the road leading to the State road in North Hudson to Mill Brook in the town of Moriah," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on roads and bridges.

The engrossed bill, entitled "An act to authorise the Canal Commissioners to change at two points the line of the Chemung canal;" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AVES 85 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Glass	Mr. Rounseville
Mr. Bailey	Mr. Gove	Mr. Sexton
Mr. Beekman	Mr. Green	Mr. Skeel
Mr. Bellinger	Mr. Guernsey	Mr. Slocum
Mr. Boardman	Mr. Hammond	Mr. Smalley



Mr. Bogart	Mr. Harmon	Mr. L. Ward Smith
Mr. Boughton	Mr. Hart	Mr. W. S. Smith
Mr. Bowen	Mr. A. Johnson	Mr. Speaker
Mr. Brinkerhoff	Mr. Kennedy	Mr. Stevens
Mr. Budd	Mr. Leavenworth	Mr. Stewart
Mr. Bull	Mr. McKinney	Mr. Strever
Mr. Bush	Mr. McLean	Mr. Stryker
Mr. Button	Mr. Maine	Mr. Terry
Mr. L. Butts	Mr. Marsh	Mr. B. Thompson
Mr. W. Butts	Mr. Miller	Mr. J. E. Thompson
Mr. Buxton	Mr. Moffatt	Mr. A. Tuttle
Mr. Carver	Mr. Nash	Mr. H. C. Tuthill
Mr. Clark	Mr. Noble	Mr. Van Auken
Mr. Crispell	Mr. Pardee	Mr. Varnum
Mr. Crittenden	Mr. Pickett	Mr. Wells
Mr. Cross	Mr. Pierce	Mr. Wheaton
Mr. Culbert	Mr. Porter	Mr. White
Mr. Curtis	Mr. Prescott	Mr. Whittaker
Mr. Danforth	Mr. Pruyn	Mr. Willard
Mr. Fiske	Mr. Raynor	Mr. Wilcox
Mr. Fitzhugh	Mr. W. H. Robertson	Mr. Wing
Mr. Fox	Mr. Rockwell	Mr. Wisewell
Mr. Gates	Mr. Rose	Mr. Young
Mr. A. Gilbert		

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to amend an act to authorize the formation of the Niagara Falls House company, passed March 24, 1848;" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 79 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Gates	Mr. Rose
Mr. Bailey	Mr. A. Gilbert	Mr. Rounseville
Mr. Beekman	Mr. Glass	Mr. Skeel
Mr. Bellinger	Mr. Gove	Mr. Slocum
Mr. Boardman	Mr. Green	Mr. Smalley
Mr. Bogart	Mr. Guernsey	Mr. L. Ward Smith
Mr. Boughton	Mr. Hammond	Mr. W. S. Smith
Mr. Bowen	Mr. Harmon	Mr. Speaker
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Stevens
Mr. Budd	Mr. Kennedy	Mr. Stewart
Mr. Bull	Mr. Leavenworth	Mr. Strever
Mr. Bush	Mr. McKinney	Mr. Stryker

Mr. Button	Mr. McLean	Mr. Sweet
Mr. W. Butts	Mr. Maine	Mr. Terry
Mr. Buxton	Mr. Marsh	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cornell	Mr. Nash	Mr. Van Auker
Mr. Crispell	Mr. Pardee	Mr. Varnum
Mr. Crittenden	Mr. Picket	Mr. Wells
Mr. Cross	Mr. Pierce	Mr. Whittaker
Mr. Culbert	Mr. Porter	Mr. Willard
Mr. Curtis	Mr. Prescott	Mr. Wilcox
Mr. Danforth	Mr. Raynor	Mr. Wing
Mr. Fiske	Mr. W. H. Robertson	Mr. Wisewell
Mr. Fitzhugh	Mr. Rockwell	Mr. Young
Mr. Fox		

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For the negative,

Mr. Hart

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to declare the public use of a railroad from Auburn to Binghamton," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Glass	Mr. Rounseville
Mr. Bailey	Mr. Goff	Mr. Sexton
Mr. Beekman	Mr. Gove	Mr. Skeel
Mr. Bellinger	Mr. Graham	Mr. Slocum
Mr. Boardman	Mr. Green	Mr. Smalley
Mr. Bogart	Mr. Guernsey	Mr. L. Ward Smith
Mr. Boughton	Mr. Hammond	Mr. W. S. Smith
Mr. Bowen	Mr. Harmon	Mr. Speaker
Mr. Brinkerhoff	Mr. Hart	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stewart
Mr. Bull	Mr. Kennedy	Mr. Strever
Mr. Bush	Mr. Leavenworth	Mr. Stryker
Mr. Button	Mr. McKinney	Mr. Sweet
Mr. L. Butts	Mr. McLean	Mr. Terry
Mr. W. Butts	Mr. Maine	Mr. B. Thompson
Mr. Buxton	Mr. Marsh	Mr. A. Tuttle
Mr. Carver	Mr. Miller	Mr. H. C. Tuthill
Mr. Clark	Mr. Moffatt	Mr. Van Auker
Mr. Cornell	Mr. Nash	Mr. Varnum

Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Curtis  
Mr. Danforth  
Mr. Fiske  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert

Mr. Noble  
Mr. Pardee  
Mr. Picket  
Mr. Pierce  
Mr. Porter  
Mr. Prescott  
Mr. Raynor  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose

Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Willard  
Mr. Wilcox  
Mr. Wing  
Mr. Wisewell  
Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act, entitled 'An act to provide for the appraisal of canal damages to John Niles, caused by the Kingsley brook reservoir,'" was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 82 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen  
Mr. Bailey  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Bogart  
Mr. Boughton  
Mr. Bowen  
Mr. Brinkerhoff  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. L. Butts  
Mr. W. Butts  
Mr. Buxton  
Mr. Carver  
Mr. Clark  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Curtis  
Mr. Danforth  
Mr. Fiske

Mr. Glass  
Mr. Gove  
Mr. Graham  
Mr. Green  
Mr. Guernsey  
Mr. Hammond  
Mr. Hudson  
Mr. Hart  
Mr. A. Johnson  
Mr. Kennedy  
Mr. Leavenworth  
Mr. McKinney  
Mr. McLean  
Mr. Maine  
Mr. Marsh  
Mr. Miller  
Mr. Moffatt  
Mr. Nash  
Mr. Noble  
Mr. Pardee  
Mr. Picket  
Mr. Porter  
Mr. Prescott  
Mr. W. H. Robertson  
Mr. Rockwell

Mr. Sexton  
Mr. Skeel  
Mr. Slocum  
Mr. Smalley  
Mr. L. Ward Smith  
Mr. W. S. Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stewart  
Mr. Strever  
Mr. Stryker  
Mr. Sweet  
Mr. Terry  
Mr. B. Thompson  
Mr. A. Tuttle  
Mr. H. C. Tutbill  
Mr. Van Auken  
Mr. Varnum  
Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Willard  
Mr. Wilcox  
Mr. Wing

Mr. Fox  
Mr. Gates  
Mr. A. Gilbert

Mr. Rose  
Mr. Rounseville

Mr. Wisewell  
Mr. Young

82

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act relating to a street called Navy-street, in the Fifth Ward of the city of Brooklyn," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 79 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. Glass	Mr. Sexton
Mr. Beekman	Mr. Gove	Mr. Slocum
Mr. Bellinger	Mr. Graham	Mr. Smalley
Mr. Boardman	Mr. Green	Mr. L. Ward Smith
Mr. Bogart	Mr. Guernsey	Mr. W. S. Smith
Mr. Boughton	Mr. Harmon	Mr. Speaker
Mr. Bowen	Mr. Hart	Mr. Stevens
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Stewart
Mr. Budd	Mr. Kennedy	Mr. Strever
Mr. Bull	Mr. Leavenworth	Mr. Stryker
Mr. Bush	Mr. McKinney	Mr. Sweet
Mr. Button	Mr. McLean	Mr. B. Thompson
Mr. L. Butts	Mr. Maine	Mr. A. Tuttle
Mr. W. Butts	Mr. Marsh	Mr. H. C. Tuthill
Mr. Buxton	Mr. Miller	Mr. Van Auken
Mr. Carver	Mr. Moffatt	Mr. Varnum
Mr. Clark	Mr. Nash	Mr. Wells
Mr. Cornell	Mr. Noble	Mr. Wheaton
Mr. Crispell	Mr. Pardee	Mr. White
Mr. Crittenden	Mr. Picket	Mr. Whittaker
Mr. Cross	Mr. Porter	Mr. Willard
Mr. Curtis	Mr. Prescott	Mr. Wilcox
Mr. Danforth	Mr. W. H. Robertson	Mr. Wing
Mr. Fiske	Mr. Rockwell	Mr. Wisewell
Mr. Fox	Mr. Rose	Mr. Young
Mr. Gates		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act in relation to the Cypress Hill cemetery," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. Glass	Mr. Sexton
Mr. Beekman	Mr. Gove	Mr. Skeel
Mr. Bellinger	Mr. Graham	Mr. Slocum
Mr. Boardman	Mr. Green	Mr. Smalley
Mr. Bogart	Mr. Guernsey	Mr. L. Ward Smith
Mr. Boughton	Mr. Hammond	Mr. W. S. Smith
Mr. Bowen	Mr. Harmon	Mr. Speaker
Mr. Brinkerhoff	Mr. Hart	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stewart
Mr. Bull	Mr. Kennedy	Mr. Strever
Mr. Bush	Mr. Leavenworth	Mr. Stryker
Mr. Button	Mr. McKinney	Mr. Sweet
Mr. L. Butts	Mr. McLean	Mr. Terry
Mr. W. Butts	Mr. Maine	Mr. B. Thompson
Mr. Buxton	Mr. Marsh	Mr. A. Tuttle
Mr. Carver	Mr. Miller	Mr. H. C. Tuthill
Mr. Clark	Mr. Moffatt	Mr. Van Auken
Mr. Cornell	Mr. Nash	Mr. Varnum
Mr. Crispell	Mr. Noble	Mr. Wells
Mr. Crittenden	Mr. Pardee	Mr. Wheaton
Mr. Cross	Mr. Picket	Mr. White
Mr. Curtis	Mr. Porter	Mr. Willard
Mr. Danforth	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. W. H. Robertson	Mr. Wing
Mr. Fox	Mr. Rockwell	Mr. Wisewell
Mr. Gates	Mr. Rose	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

On motion of Mr. A. Johnson,

*Resolved*, That the select committee having charge of the heating apparatus of the House be directed to inquire into the expediency of winding the pipe communicating with the north part of the Assembly chamber, so as to secure a greater amount of heat.

Mr. B. Thompson gave notice that he would at an early day ask leave to introduce a bill to amend the charter of the city of Buffalo.

Mr. Sweet gave notice that he would at some early day ask leave to introduce a bill to authorise the Governor to cause to be completed the Natural History of the State of New-York.

Mr. Danforth gave notice that he would at an early day ask leave to introduce a bill to bridge the Hudson river at Albany.

In pursuance of previous notice, Mr. Rose asked for and obtained leave to introduce a bill, entitled "An act to reduce and regulate the fare upon the several railroads in this State," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on railroads.

In pursuance of previous notice, Mr. Nash asked and obtained leave to introduce a bill, entitled "An act to revive the powers of the Hedding Society of the First Methodist Episcopal church in the town of Cayuta, county of Chemung," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Bailey asked and obtained leave to introduce a bill, entitled "An act in relation to surrogates' courts," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. White asked and obtained leave to introduce a bill, entitled "An act to create a commissioner to investigate the affairs of insurance companies for the benefit of the insured, and for other purposes," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice, Mr. Wing asked and obtained leave to introduce a bill, entitled "An act for the removal of the Hallenbake burying ground, situated in the city of Albany," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on charitable and religious societies.

On motion of Mr. Elderkin,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the Comptroller be and he is hereby requested to furnish to this House a statement in relation to the draft paid by the agent of the Sing Sing prison to Wm. Radford, in July last; and also the draft paid by Mr. Rowel to said Radford in December last, whether or not the draft made in July was paid first, and the circumstances in relation to the alteration of one of the drafts.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Leave of absence was granted to Mr. Hudson and Mr. Culbert for five days each, and to Mr. Woodruff for six days.

On motion of Mr. Bowen, and by unanimous consent,

WHEREAS, The Supreme Court of the United States has decided that the imposition of a tax on immigrants arriving at the port of New-York, for the purpose of protecting the people of this state against such emigrants becoming chargeable as paupers, and also that the imposition of a tax upon immigrants for the support of the Quar-

antine establishment, and the hospitals thereat, when imposed by the authorities of this state is unconstitutional and void; and

WHEREAS, In the absence of the right to impose such taxes, it is to be apprehended that there will be thrown on our shores large numbers of immigrants who will be a charge upon the people of this state for their sustenance, and that contagious and fatal diseases will be introduced and spread throughout the state; and

WHEREAS, Under the laws now declared to be unconstitutional, destitute immigrants have hitherto on their arrival been clothed and fed until such times as they could provide for themselves, and contagious diseases have been excluded from beyond the hospitals of the Quarantine, therefore

*Resolved*, (if the Senate concur) That our Senators and Representatives in Congress be requested to endeavor to procure the passage of a law authorising the Legislature of this state to impose a tax not exceeding three dollars on each person arriving from a foreign port at the city of New-York for the purpose above mentioned.

Mr. Wilcox offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the committee on the militia and the public defence, be instructed to inquire and report to this House, whether pursuant to the requirements of the constitution of the United States and the laws of Congress, there is at this time any militia organization in this state, and if so of what does it consist; of how many is it composed; what duty has it performed within the last year; what efforts have been made to carry into execution the laws of 1847, and with what success; and whether or not the office of Adjutant General is not a sinecure, as now administered, and may not be abolished without detriment to the public service.

Debate being had thereon,

*Ordered*, That the said resolution be laid on the table.

Mr. W. S. Smith moved the House reconsider its vote on concurring in the amendments of the Senate to the bill entitled "An act making appropriations in part for the expenses of government for the fiscal year commencing October 1, 1848, and for other purposes."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith and it was determined in the affirmative.

Mr. W. S. Smith moved the House do concur in the said amendments of the Senate, with an amendment striking out "eight hundred dollars," to make up the deficiency in the sum appropriated for clerk hire in the Comptroller's office, and inserting "thirteen hundred dollars."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 83 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. Glass	Mr. Sexton
Mr. Beekman	Mr. Gove	Mr. Skeel
Mr. Bellinger	Mr. Graham	Mr. Slocum
Mr. Boardman	Mr. Green	Mr. Smalley
Mr. Bogart	Mr. Guernsey	Mr. L. Ward Smith
Mr. Boughton	Mr. Hammond	Mr. W. S. Smith
Mr. Bowen	Mr. Harmon	Mr. Speaker
Mr. Brinkerhoff	Mr. Hart	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stewart
Mr. Bull	Mr. Kennedy	Mr. Strever
Mr. Bush	Mr. Leavenworth	Mr. Stryker
Mr. Button	Mr. McKinney	Mr. Sweet
Mr. L. Butts	Mr. McLean	Mr. Terry
Mr. W. Butts	Mr. Maine	Mr. B. Thompson
Mr. Buxton	Mr. Marsh	Mr. J. E. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cornell	Mr. Nash	Mr. Van Auken
Mr. Crispell	Mr. Noble	Mr. Varnum
Mr. Crittenden	Mr. Pardee	Mr. Wells
Mr. Cross	Mr. Picket	Mr. Wheaton
Mr. Curtis	Mr. Porter	Mr. White
Mr. Danforth	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. Raynor	Mr. Wing
Mr. Fitzhugh	Mr. W. H. Robertson	Mr. Wisewell
Mr. Fox	Mr. Rockwell	Mr. Young
Mr. Gates	Mr. Rose	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in the amendments of the Senate with the amendments therewith delivered, and amended the same accordingly.

On motion of Mr. B. Thompson,

*Resolved*, That the bill entitled "An act to incorporate the Buffalo Water Works Company," be referred to a select committee composed of the delegation from Erie county, to report complete.

On motion of Mr. Beekman,

*Resolved*, (if the Senate concur,) That the Secretary of State be, and he is hereby directed, to cause to be printed, for the use of the Legislature, in a suitable form, the minutes of council, and such other official records in his office, prior to the revolution, as he may select; also to procure the Dutch and French records to be translated, and when translated, published as aforesaid; that there be printed of such papers twenty times the usual number of copies as are required to be printed of Legislative documents, and in addition



thereto 1,000 copies for the use of the Regents of the University, to be used for the purpose of literary exchanges, and two hundred copies for the Secretary's office.

The House then resolved itself into a committee of the whole on the bill, entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Rounseville from said committee reported progress and asked leave to sit again.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to remunerate Jonathan W. Davis for losses from the failure of title to certain lands in Essex county, sold by the Comptroller at the tax sales of 1839," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pickett from said committee, reported that the committee had gone through the said bill.

Mr. L. Ward Smith moved that said bill be referred to the Comptroller.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to provide for the election of a local officer in the county of Delaware, to perform the duties of county judge and of surrogate in certain cases," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. W. Butts from said committee reported progress.

Mr. Noble moved said bill be referred to a select committee, composed of the delegation from the county of Delaware.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Noble, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled "An act providing for the payment of interest on canal damages to John C. Van Alstine," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Sweet from said committee, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading

The House then resolved itself into a committee of the whole, on the bill, entitled "An act to authorise the board of supervisors of Oswego county to make a certain assessment," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Wilcox from said committee reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend an act entitled 'An act relative to the office of town superintendent of common schools, and amend-

datory of the Revised Statutes, entitled 'of public instruction,' passed, December 15, 1847," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Rockwell from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate, entitled "An act for the relief of Fernando Wood," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. A. Johnson from said committee, reported that the committee had gone through said bill and agreed to the same without amendment.

Mr. Stryker moved that said bill be referred to a select committee and retain its place on the general orders when reported.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Stryker, and it was determined in the negative.

Mr. L. Ward Smith moved the House reconsider its vote on the motion of Mr. Stryker to refer to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion, of Mr. L. Ward Smith and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to the said motion to refer said bill to a select committee, and it was determined in the affirmative.

*Ordered*, That Mr. Stryker, Mr. McKianey, Mr. B. Thompson, Mr. Sweet and Mr. Elwood be such select committee.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend an act concerning the district attorney of the county of Albany, passed, February 21, 1840," and after some time spent thereon Mr. Speaker resumed the chair and Mr. Young from said committee reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to regulate the salary of the district attorney of the county of Columbia," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Terry from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to alter and settle the east line of the town of North Hudson, Essex county," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Strever from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act in relation to the court of sessions in Kings county," and after some time spent thereon, Mr. Speaker resumed

the chair, and Mr. Whittaker from said committee reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the engrossed bill from the Senate entitled "An act releasing the interest of the state in the property of St. James' church, in Saratoga county to the wardens and vestry of Christ's church, in the town of Milton, Saratoga county," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bellinger from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to authorise Benjamin L. James and James L. Schultz to establish and continue a ferry across the Hudson river from Piermont to the opposite shore in the county of Westchester," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Danforth from said committee, reported that the committee had gone through said bill, and agreed to the same with amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act in relation to the keeping of gunpowder, saltpetre, and certain other substances in the city of New-York, passed May 13, 1846," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Gates from said committee, reported that the committee had gone through the said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend an act to establish free schools in district number five in the town of Flushing, passed March 10, 1848," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. L. Ward Smith from said committee, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

And then at two o'clock p. m.,

On motion of Mr. Glass,

The House adjourned.

## WEDNESDAY, FEBRUARY 14, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Kip.

The minutes of yesterday were read and approved.

Mr. Carver presented the petition of sundry inhabitants of Clinton county, for an act authorising the Northern Railroad Company to build a bridge across Lake Champlain near Rouse's Point, which was read and referred to the select committee on that subject.

Mr. Cornell presented the petition of bankers, brokers and other business men of Wall-st. in New-York, praying for the removal of the quarantine establishment from Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. Fitzhugh presented the petition of Oren Dodge and other citizens of Oswego county, for an act authorising the appraisal and payment of damages sustained by said Dodge in the construction of a dam across the Oswego river for canal purposes, which was read and referred to the committee on canals.

Mr. Leavenworth presented the petition of John M. Picket of Lyons, in the county of Wayne, for a law authorising the payment of a certain claim against the bank of Lyons, which was read and referred to the committee on banks and insurance companies.

Mr. Miller presented the petition of sundry inhabitants of the county of Suffolk, for a law to protect their woodlands against fires, which was read and referred to the select committee on that subject.

Mr. Cornell presented the petition of sundry inhabitants of the city of New-York, for an amendment of the act entitled "An act for the protection of emigrants arriving in the state of New-York, passed April 11, 1848," which was read and referred to the committee on the judiciary.

Mr. Pruyn presented the remonstrance of sundry inhabitants of Fultonville and its vicinity, against the passage of a law subverting the rights of the Caughnawaga bridge company, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Whittaker presented three several petitions of sundry citizens of Broome and Delaware counties, for the erection of a new county from parts of Broome, Delaware, Chenango and Otsego counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Noble presented the petition of sundry inhabitants of Delaware and Otsego counties, for the erection of a new county from parts of said counties to be called Unadilla, and remonstrating against the erection of the proposed new county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Noble and Mr. L. Butts presented five several remonstrances

of sundry citizens of Delaware and Broome counties, against the erection of the new county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Goff presented the petition of sundry citizens of the town of West Port, Essex co., for an alteration of the town line of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Rose presented the remonstrance of sundry citizens of Wyoming co., against the proposed amendment of the Attica and Hornellsville railroad charter, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Green presented the petition of sundry inhabitants of the city and county of Schenectady, for an act requiring the sale of lands sold for taxes to be held in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Pardee presented the petition of sundry inhabitants of the county of Genesee, for the restoration of the office of crier for the courts of record in that county, which was read and referred to the committee on the judiciary.

Mr. Speaker presented the petition of the common council of the city of Troy, for the passage of a law authorising the establishment of a police court in that city, which was read and referred to the committee on the judiciary.

Mr. Wells presented the petition of sundry inhabitants of the counties of Warren and Hamilton, praying for a law appointing commissioners to lay out a road from Johnsburgh in Warren county to the town of Wells in Hamilton county, which was read and referred to the committee on roads and bridges.

Mr. Picket and Mr. Elderkin presented two several petitions of sundry citizens of the county of St. Lawrence, for an act authorising the Northern Railroad company to build a bridge across Lake Champlain at Rouse's point, which were read and referred to the select committee on that subject.

Mr. Goff presented the petition of sundry inhabitants of the county of Essex, for a law requiring the sale of lands sold for taxes, to be held in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Cross presented the petition of sundry tax payers of the city of Brooklyn, praying for an act authorising the construction of a canal in the sixth ward of that city, which was read and referred to the committee on canals.

Mr. B. Thompson presented the petition of sundry citizens of the counties of Wyoming, Allegany and Cattaraugus, for an act declaring the public utility of a railroad from Buffalo direct to Hornellsville under the general act, which was read and referred to the committee on railroads.

Mr. Pardee presented the petition of sundry inhabitants of the town of Alabama, in the county of Genesee, for an act abolishing

tolls on fresh provision and live stock carried on railroads, which was read and referred to the committee on railroads.

Mr. Cornell, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act to authorise the trustees of the village of Williamsburgh to raise money by loan or tax to pay certain debts, and to provide for the speedy liquidation and settlement of certain disputed matters and claims in said village," passed May 13, 1845," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Cornell, from the committee on the judiciary, to which was referred the bill entitled "An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings," reported, that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

Mr. Cornell from the committee on the judiciary, to which was referred the remonstrance of the New-York Chamber of Commerce against the repeal of the law in relation to emigrants, reported, and asked to be discharged from the further consideration of said petition.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Boughton, from the committee on the judiciary, to which was referred the bill entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover possession of land," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same as amended should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Noble, from the committee on the judiciary, to which was referred the resolution of the board of supervisors of Albany county, for a law authorising the recorder of said city to perform the duties of a judge of supreme court at Chambers, reported, and asked, and obtained leave to bring in a bill entitled "An act to establish a court of special sessions in the city of Albany, and also to confer further judicial powers upon the recorder of the said city," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Pruyn,

*Ordered*, That the said bill be committed to the committee of the whole House having in charge the bill entitled "An act in relation to the court of sessions in Kings county."

Mr. Noble from the committee on the judiciary to which was re-

ferred the bill entitled "An act to authorise counsellors of the supreme court to take affidavits and to administer oaths," reported that the committee had examined the said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Noble from the committee on the judiciary, to which was referred the bill entitled "An act to authorise town clerks to administer certain oaths," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same, as amended, should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Harmon from the committee on charitable and religious societies, to which was referred the bill entitled "An act to revive the powers of the Hedding Society of the first Methodist Episcopal Church in the town of Cayuta, county of Chemung," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. W. S. Smith, from the committee on ways and means, to which was referred the engrossed bill from the Senate, entitled "An act authorising a loan from the common school fund to the county of Orleans," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same, as amended, should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Button from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of school district No. 27, in the town of Camillus, Onondaga co., for a law authorising the trustees of said district to assess and collect the sum of \$148.62 to pay costs of suit, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act entitled 'An act in relation to suits against district school officers,' passed May 1, 1847;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. L. Ward Smith, from the committee on canals, to which was referred the petition of Silas Ball, for a law to cancel his contract with the Canal Commissioners, reported, and asked and obtained leave to bring in a bill, entitled "An act authorising the Canal Commissioners to cancel a contract with Silas Ball," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Pierce from the committee on public printing to which was referred the motion to print five times the usual number of the report of the committee on colleges, on the application of the N. Y. State

Historical Society, reported and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That five times the usual number of the said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Pierce, from the committee on public printing, to which was referred the motion of Mr. Maine to print twenty times the usual number of the report of the New-York State Agricultural Society for the use of the Legislature, also five hundred copies for the use of the Society, five hundred copies for the American Institute, and forty copies for each county in this state for the benefit of the agricultural societies of said counties, and that the same be bound in like manner as those formerly bound by the Agricultural Society, and that they be printed and bound under the direction of the executive committee of the New-York State Agricultural Society; together with the amendment offered by Mr. B. Thompson, that thirty times the usual number of said report be printed for the use of the Legislature; reported and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That thirty times the usual number of copies of the report of the New-York State Agricultural Society be printed for the use of the Legislature, five hundred copies for the use of the Society, five hundred copies for the use of the American Institute, and forty copies for each county in this State for the use of the Agricultural Societies in said counties, and that the same be printed and bound under the direction of the executive committee of the New-York State Agricultural Society, in a manner similar to the reports of previous years.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Stevens from the select committee to which was referred the petition of inhabitants of the towns of Livingston, Gallatin, and Taghkanic, in the county of Columbia, for the erection of a school district, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. B. Thompson from the select committee to which was referred the bill, entitled "An act to incorporate the Buffalo Water Works company," to report complete, reported that the committee had gone through the said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows to wit:



"An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush."

"An act to authorise Benjamin L. James and James L. Schultz to establish and continue a ferry across the Hudson river from Piermont to the opposite shore, in the county of Westchester."

"An act to amend An act in relation to the keeping of gun powder, salt-petre and certain other substances in the city of New-York, passed May 13, 1846."

"An act to provide for the payment of interest on canal damages to John C. Van Alstine."

"An act to alter and settle the east line of the town of North Hudson, Essex county."

"An act to regulate the salary of the district attorney of the county of Columbia."

"An act to amend 'An act concerning the district attorney of the county of Albany,' passed February 21, 1840."

"An act to authorise the board of supervisors of Oswego county to make certain assessments."

"An act to amend 'An act to establish free schools in district No. 5, in the town of Flushing,' passed March 10, 1848."

And found the same correctly engrossed.

*Ordered*, That the said bills be read a third time.

The Senate returned the engrossed bill entitled "An act making appropriations in part for the expenses of government for the fiscal year commencing Oct. 1, 1848, and for other purposes," with a message informing that they had concurred in the amendments of the Assembly to the amendments of the Senate.

*Ordered*, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution, authorising the secretary of state to appoint not more than three persons to visit the New-York Institution for the Blind, and examine into its condition, with a message informing that they had concurred in the same without amendment.

The engrossed bill entitled "An act to incorporate the Buffalo Water Works Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 85 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen  
Mr. Bagley  
Mr. Bailey  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman

Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goff  
Mr. Gove  
Mr. Green  
Mr. Guernsey

Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. Sexton  
Mr. Slocum  
Mr. Smalley

Mr. Bogart	Mr. Hammond	Mr. L. Ward Smith
Mr. Budd	Mr. Harmon	Mr. W. S. Smith
Mr. Bull	Mr. Hart	Mr. Speaker
Mr. Bush	Mr. A. Johnson	Mr. Stevens
Mr. Button	Mr. Kennedy	Mr. Stevenson
Mr. L. Butts	Mr. Leavenworth	Mr. Stewart
Mr. W. Butts	Mr. McKinney	Mr. Strever
Mr. Buxton	Mr. McLean	Mr. Stryker
Mr. Carver	Mr. Maine	Mr. Terry
Mr. Clark	Mr. Marsh	Mr. B. Thompson
Mr. Cornell	Mr. Miller	Mr. J. E. Thompson
Mr. Crispell	Mr. Moffatt	Mr. A. Tuttle
Mr. Crittenden	Mr. Mowry	Mr. H. C. Tuthill
Mr. Cross	Mr. Nash	Mr. Varnum
Mr. Curtis	Mr. Noble	Mr. Ward
Mr. Danforth	Mr. Pardee	Mr. Wells
Mr. Elderkin	Mr. Picket	Mr. White
Mr. Elwood	Mr. Pierce	Mr. Whittaker
Mr. Fish	Mr. Porter	Mr. Willard
Mr. Fiske	Mr. Prescott	Mr. Wilcox
Mr. Fox	Mr. Pruyn	Mr. Wisewell
Mr. Gates	Mr. W. H. Robertson	Mr. Young
Mr. A. Gilbert		

85

*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate entitled "An act releasing the interest of the state in the property of St. James church in Saratoga county, to the wardens and vestry of Christ church, in the town of Milton, Saratoga county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Bagley	Mr. L. M. Gilbert	Mr. Rose
Mr. Bailey	Mr. Glass	Mr. Rounseville
Mr. Beekman	Mr. Goff	Mr. Sexton
Mr. Bellinger	Mr. Gove	Mr. Slocum
Mr. Boardman	Mr. Green	Mr. Smalley
Mr. Bogart	Mr. Guernsey	Mr. L. Ward Smith
Mr. Boughton	Mr. Hammond	Mr. W. S. Smith
Mr. Bowen	Mr. Harmon	Mr. Speaker
Mr. Budd	Mr. Hart	Mr. Stevens
Mr. Bull	Mr. A. Johnson	Mr. Stevenson

Mr. Bush	Mr. Kennedy	Mr. Stewart
Mr. Button	Mr. Leavenworth	Mr. Strever
Mr. L. Butts	Mr. McKinney	Mr. Stryker
Mr. W. Butts	Mr. McLean	Mr. Terry
Mr. Buxton	Mr. Maine	Mr. B. Thompson
Mr. Carver	Mr. Marsh	Mr. J. E. Thompson
Mr. Clark	Mr. Miller	Mr. A. Tuttle
Mr. Cornell	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Crispell	Mr. Mowry	Mr. Varnum
Mr. Crittenden	Mr. Nash	Mr. Ward
Mr. Cross	Mr. Noble	Mr. Wells
Mr. Curtis	Mr. Pardee	Mr. White
Mr. Danforth	Mr. Picket	Mr. Whittaker
Mr. Elderkin	Mr. Pierce	Mr. Willard
Mr. Elwood	Mr. Porter	Mr. Wilcox
Mr. Fish	Mr. Prescott	Mr. Wisewell
Mr. Fiske	Mr. Pruyn	Mr. Young
Mr. Gates	Mr. W. H. Robertson	

86

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to amend an act in relation to the keeping of salt petre and certain other substances in the city of New-York, passed May 13, 1846," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 84 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Bagley	Mr. L. M. Gilbert	Mr. Rose
Mr. Bailey	Mr. Glass	Mr. Rounseville
Mr. Beekman	Mr. Gove	Mr. Sexton
Mr. Bellinger	Mr. Green	Mr. Slocum
Mr. Boardman	Mr. Guernsey	Mr. Smalley
Mr. Bogart	Mr. Hammond	Mr. L. Ward Smith
Mr. Boughton	Mr. Harmon	Mr. W. S. Smith
Mr. Bowen	Mr. Hart	Mr. Speaker
Mr. Budd	Mr. A. Johnson	Mr. Stevens
Mr. Bull	Mr. Kennedy	Mr. Stevenson
Mr. Bush	Mr. Leavenworth	Mr. Stewart
Mr. Button	Mr. McKinney	Mr. Strever
Mr. L. Butts	Mr. McLean	Mr. Stryker
Mr. W. Butts	Mr. Maine	Mr. Terry
Mr. Carver	Mr. Marsh	Mr. B. Thompson
Mr. Clark	Mr. Miller	Mr. J. E. Thompson

Mr. Cornell	Mr. Moffatt	Mr. A. Tuttle
Mr. Crispell	Mr. Mowry	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Nash	Mr. Varnum
Mr. Cross	Mr. Noble	Mr. Ward
Mr. Curtis	Mr. Pardee	Mr. Wells
Mr. Danforth	Mr. Picket	Mr. White
Mr. Elderkin	Mr. Pierce	Mr. Whittaker
Mr. Elwood	Mr. Porter	Mr. Willard
Mr. Fish	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Gates	Mr. W. H. Robertson	Mr. Young

84

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act to establish free schools in district number five, in the town of Flushing, passed March 10, 1848," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 84 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Bagley	Mr. L. M. Gilbert	Mr. Rose
Mr. Bailey	Mr. Glass	Mr. Rounseville
Mr. Beekman	Mr. Graham	Mr. Sexton
Mr. Bellingher	Mr. Green	Mr. Slocum
Mr. Boardman	Mr. Guernsey	Mr. Smalley
Mr. Bogart	Mr. Hammond	Mr. L. Ward Smith
Mr. Boughton	Mr. Harmon	Mr. W. S. Smith
Mr. Bowen	Mr. Hart	Mr. Speaker
Mr. Budd	Mr. A. Johnson	Mr. Stevens
Mr. Bull	Mr. Kennedy	Mr. Stevenson
Mr. Bush	Mr. Leavenworth	Mr. Stewart
Mr. Button	Mr. McKinney	Mr. Strever
Mr. L. Butts	Mr. McLean	Mr. Stryker
Mr. W. Butts	Mr. Maine	Mr. Terry
Mr. Carver	Mr. Marsh	Mr. B. Thompson
Mr. Clark	Mr. Miller	Mr. J. E. Thompson
Mr. Cornell	Mr. Moffatt	Mr. A. Tuttle
Mr. Crispell	Mr. Mowry	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Nash	Mr. Varnum
Mr. Cross	Mr. Noble	Mr. Ward
Mr. Curtis	Mr. Pardee	Mr. Wells
Mr. Danforth	Mr. Picket	Mr. White

Mr. Elderkin	Mr. Pierce	Mr. Whittaker
Mr. Elwood	Mr. Porter	Mr. Willard
Mr. Fish	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Gates	Mr. W. H. Robertson	Mr. Young

84

For the negative,

Mr. Buxton

1

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act concerning the district attorney of the county of Albany, passed February 21, 1840," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rose
Mr. Bagley	Mr. L. M. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. Glass	Mr. Sexton
Mr. Beekman	Mr. Gove	Mr. Slocum
Mr. Bellinger	Mr. Green	Mr. Smalley
Mr. Boardman	Mr. Guernsey	Mr. L. Ward Smith
Mr. Bogart	Mr. Hammond	Mr. W. S. Smith
Mr. Boughton	Mr. Harmon	Mr. Speaker
Mr. Bowen	Mr. Hart	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stevenson
Mr. Bull	Mr. Kennedy	Mr. Stewart
Mr. Bush	Mr. Leavenworth	Mr. Strever
Mr. Button	Mr. McKinney	Mr. Stryker
Mr. L. Butts	Mr. McLean	Mr. Sweet
Mr. W. Butts	Mr. Maine	Mr. Terry
Mr. Buxton	Mr. Marsh	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. J. E. Thompson
Mr. Clark	Mr. Moffatt	Mr. A. Tuttle
Mr. Cornell	Mr. Mowry	Mr. H. C. Tuthill
Mr. Crispell	Mr. Nash	Mr. Varnum
Mr. Crittenden	Mr. Noble	Mr. Ward
Mr. Cross	Mr. Pardee	Mr. Wells
Mr. Curtis	Mr. Picket	Mr. White
Mr. Danforth	Mr. Pierce	Mr. Whittaker
Mr. Elderkin	Mr. Porter	Mr. Willard
Mr. Elwood	Mr. Prescott	Mr. Wilcox

Mr. Fish  
Mr. Fiske  
Mr. Gates

Mr. Pruyn  
Mr. W. H. Robertson  
Mr. Rockwell

Mr. Wisewell  
Mr. Young

86

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to authorise Benjamin L. James and James L. Schultz to establish and continue a ferry across the Hudson river from Piermont to the opposite shore in the county of Westchester," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 83 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. Glass	Mr. Sexton
Mr. Beekman	Mr. Gove	Mr. Slocum
Mr. Bellinger	Mr. Guernsey	Mr. Smalley
Mr. Boardman	Mr. Hammond	Mr. L. Ward Smith
Mr. Bogart	Mr. Harmon	Mr. W. S. Smith
Mr. Boughton	Mr. Hart	Mr. Speaker
Mr. Bowen	Mr. A. Johnson	Mr. Stevens
Mr. Budd	Mr. Kennedy	Mr. Stevenson
Mr. Bull	Mr. Leavenworth	Mr. Stewart
Mr. Bush	Mr. McKinney	Mr. Strever
Mr. Button	Mr. McLean	Mr. Stryker
Mr. L. Butts	Mr. Maine	Mr. Sweet
Mr. W. Butts	Mr. Marsh	Mr. Terry
Mr. Buxton	Mr. Miller	Mr. B. Thompson
Mr. Carver	Mr. Moffatt	Mr. J. E. Thompson
Mr. Clark	Mr. Mowry	Mr. A. Tuttle
Mr. Cornell	Mr. Nash	Mr. H. C. Tuthill
Mr. Crispell	Mr. Noble	Mr. Varnum
Mr. Crittenden	Mr. Pardee	Mr. Ward
Mr. Cross	Mr. Picket	Mr. Wells
Mr. Curtis	Mr. Pierce	Mr. White
Mr. Danforth	Mr. Porter	Mr. Whittaker
Mr. Elderkin	Mr. Prescott	Mr. Willard
Mr. Elwood	Mr. Pruyn	Mr. Wilcox
Mr. Fish	Mr. W. H. Robertson	Mr. Wisewell
Mr. Gates	Mr. Rockwell	Mr. Young
Mr. A. Gilbert	Mr. Rose	

83

For the negative,

Mr. Fiske

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to appoint commissioners to lay out a road in the towns of Gravesend, New Utrecht and Flatbush," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 85 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Gates	Mr. Rose
Mr. Bagley	Mr. A. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. L. M. Gilbert	Mr. Sexton
Mr. Beekman	Mr. Glass	Mr. Slocum
Mr. Bellinger	Mr. Gove	Mr. Smalley
Mr. Boardman	Mr. Guernsey	Mr. L. Ward Smith
Mr. Bogart	Mr. Hammond	Mr. W. S. Smith
Mr. Boughton	Mr. Harmon	Mr. Speaker
Mr. Bowen	Mr. Hart	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stevenson
Mr. Bull	Mr. Leavenworth	Mr. Stewart
Mr. Bush	Mr. McKinney	Mr. Strever
Mr. Button	Mr. McLean	Mr. Stryker
Mr. L. Butts	Mr. Maine	Mr. Sweet
Mr. W. Butts	Mr. Marsh	Mr. Terry
Mr. Buxton	Mr. Miller	Mr. B. Thompson
Mr. Carver	Mr. Moffatt	Mr. J. E. Thompson
Mr. Clark	Mr. Mowry	Mr. A. Tuttle
Mr. Cornell	Mr. Nash	Mr. H. C. Tuthill
Mr. Crispell	Mr. Noble	Mr. Varnum
Mr. Crittenden	Mr. Pardee	Mr. Ward
Mr. Cross	Mr. Picket	Mr. Wells
Mr. Curtis	Mr. Pierce	Mr. White
Mr. Danforth	Mr. Porter	Mr. Whittaker
Mr. Elderkin	Mr. Prescott	Mr. Willard
Mr. Elwood	Mr. Prun	Mr. Wilcox
Mr. Fish	Mr. W. H. Robertson	Mr. Wisewell
Mr. Fiske	Mr. Rockwell	Mr. Young
Mr. Fitzhugh		

85

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the board of supervisors of Oswego county to make certain assessments," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rose
Mr. Bagley	Mr. L. M. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. Glass	Mr. Sexton
Mr. Beekman	Mr. Gove	Mr. Slocum
Mr. Bellinger	Mr. Graham	Mr. Smalley
Mr. Boardman	Mr. Guernsey	Mr. L. Ward Smith
Mr. Bogart	Mr. Hammond	Mr. W. S. Smith
Mr. Boughton	Mr. Harmon	Mr. Speaker
Mr. Bowen	Mr. Hart	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stevenson
Mr. Bull	Mr. Kennedy	Mr. Stewart
Mr. Bush	Mr. Leavenworth	Mr. Strever
Mr. Button	Mr. McKinney	Mr. Stryker
Mr. W. Butts	Mr. McLean	Mr. Sweet
Mr. Buxton	Mr. Maine	Mr. Terry
Mr. Carver	Mr. Marsh	Mr. B. Thompson
Mr. Clark	Mr. Miller	Mr. J. E. Thompson
Mr. Cornell	Mr. Moffatt	Mr. A. Tuttle
Mr. Crispell	Mr. Mowry	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Nash	Mr. Varnum
Mr. Cross	Mr. Noble	Mr. Ward
Mr. Curtis	Mr. Pardee	Mr. Wells
Mr. Danforth	Mr. Picket	Mr. White
Mr. Elderkin	Mr. Pierce	Mr. Whittaker
Mr. Elwood	Mr. Porter	Mr. Willard
Mr. Fish	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Fitzhugh	Mr. W. H. Robertson	Mr. Young
Mr. Gates	Mr. Rockwell	

86

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act providing for the payment of interest on canal damages to John C. Van Alstine," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:



{ AYES 83 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rose
Mr. Bagley	Mr. L. M. Gilbert	Mr. Rounseville
Mr. Bailey	Mr. Glass	Mr. Sexton
Mr. Beekman	Mr. Gove	Mr. Slocum
Mr. Bellinger	Mr. Green	Mr. Smalley
Mr. Boardman	Mr. Hammond	Mr. L. Ward Smith
Mr. Bogart	Mr. Harmon	Mr. W. S. Smith
Mr. Boughton	Mr. Hart	Mr. Speaker
Mr. Budd	Mr. A. Johnson	Mr. Stevens
Mr. Bull	Mr. Kennedy	Mr. Stevenson
Mr. Button	Mr. Leavenworth	Mr. Stewart
Mr. L. Butts	Mr. McKinney	Mr. Strever
Mr. W. Butts	Mr. McLean	Mr. Sweet
Mr. Buxton	Mr. Maine	Mr. Terry
Mr. Carver	Mr. Marsh	Mr. B. Thompson
Mr. Clark	Mr. Miller	Mr. J. E. Thompson
Mr. Cornell	Mr. Moffatt	Mr. A. Tuttle
Mr. Crispell	Mr. Mowry	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Nash	Mr. Varnum
Mr. Cross	Mr. Noble	Mr. Ward
Mr. Curtis	Mr. Pardee	Mr. Wells
Mr. Danforth	Mr. Picket	Mr. White
Mr. Elderkin	Mr. Pierce	Mr. Whittaker
Mr. Elwood	Mr. Porter	Mr. Willard
Mr. Fish	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Fitzhugh	Mr. W. H. Robertson	Mr. Young
Mr. Gates	Mr. Rockwell	

83

*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to regulate the salary of the district attorney of the county of Columbia," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Bagley	Mr. L. M. Gilbert	Mr. Rose
Mr. Bailey	Mr. Glass	Mr. Rounseville
Mr. Beekman	Mr. Gove	Mr. Sexton

Mr. Bellinger	Mr. Green	Mr. Slocum
Mr. Boardman	Mr. Hammond	Mr. Smalley
Mr. Bogart	Mr. Harmon	Mr. L. Ward Smith
Mr. Boughton	Mr. Hart	Mr. W. S. Smith
Mr. Budd	Mr. A. Johnson	Mr. Speaker
Mr. Bull	Mr. Kennedy	Mr. Stevens
Mr. Button	Mr. Leavenworth	Mr. Stevenson
Mr. L. Butts	Mr. McKinney	Mr. Stewart
Mr. W. Butts	Mr. McLean	Mr. Strever
Mr. Buxton	Mr. Maine	Mr. Sweet
Mr. Carver	Mr. Marsh	Mr. Terry
Mr. Clark	Mr. Miller	Mr. B. Thompson
Mr. Cornell	Mr. Moffatt	Mr. J. E. Thompson
Mr. Crispell	Mr. Mowry	Mr. A. Tuttle
Mr. Crittenden	Mr. Nash	Mr. H. C. Tuthill
Mr. Cross	Mr. Noble	Mr. Varnum
Mr. Curtis	Mr. Pardee	Mr. Wells
Mr. Danforth	Mr. Picket	Mr. White
Mr. Elderkin	Mr. Pierce	Mr. Whittaker
Mr. Elwood	Mr. Porter	Mr. Willard
Mr. Fiske	Mr. Prescott	Mr. Wilcox
Mr. Fitzhugh	Mr. Pruyn	Mr. Wisewell
Mr. Gates	Mr. W. H. Robertson	Mr. Young

81

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed-bill entitled "An act to alter and settle the east line of the town of North Hudson, Essex county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 80 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Bagley	Mr. L. M. Gilbert	Mr. Rose
Mr. Bailey	Mr. Glass	Mr. Rounseville
Mr. Beekman	Mr. Gove	Mr. Sexton
Mr. Bellinger	Mr. Hammond	Mr. Slocum
Mr. Boardman	Mr. Harmon	Mr. Smalley
Mr. Bogart	Mr. Hart	Mr. L. Ward Smith
Mr. Boughton	Mr. A. Johnson	Mr. W. S. Smith
Mr. Budd	Mr. Kennedy	Mr. Speaker
Mr. Bull	Mr. Leavenworth	Mr. Stevens
Mr. Button	Mr. McKinney	Mr. Stevenson
Mr. L. Butts	Mr. McLean	Mr. Stewart
Mr. W. Butts	Mr. Maine	Mr. Strever

Mr. Buxton	Mr. Marsh	Mr. Sweet
Mr. Carver	Mr. Miller	Mr. Terry
Mr. Clark	Mr. Moffatt	Mr. B. Thompson
Mr. Cornell	Mr. Mowry	Mr. J. E. Thompson
Mr. Crispell	Mr. Nash	Mr. A. Tuttle
Mr. Crittenden	Mr. Noble	Mr. H. C. Tuthill
Mr. Cross	Mr. Pardee	Mr. Varnum
Mr. Curtis	Mr. Picket	Mr. Wells
Mr. Danforth	Mr. Pierce	Mr. Whittaker
Mr. Elderkin	Mr. Porter	Mr. Willard
Mr. Elwood	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Fitzhugh	Mr. Raynor	Mr. Young
Mr. Gates	Mr. W. H. Robertson	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Pardee,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, (if the Senate concur,) That a gold medal be presented by his excellency the Governor, to Captain Hamilton H. Merrill of the second regiment of the U. S. Dragoons, with appropriate devices thereon, together with the thanks of this Legislature for his distinguished services in the late war with Mexico.

Mr. Pardee moved said resolution be referred to the committee on the militia.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pardee, and it was determined in the affirmative.

Leave of absence was granted to Mr. Skeel for eight days, to Mr. Raynor for three days, and to Mr. Brinkerhoff for one week.

In pursuance of previous notice, Mr. Nash asked and obtained leave to introduce a bill, entitled "An act to exempt from execution the homestead of a householder having a family," which was read the first time, and by unanimous consent was also read a second time, and referred to the select committee on that subject.

In pursuance of previous notice, Mr. B. Thompson asked and obtained leave to introduce a bill, entitled "An act to amend an act, entitled 'An act to consolidate and amend the act to incorporate the city of Buffalo,' passed April 20, 1832, and the various acts amendatory thereof, passed April 17, 1843," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the incorporation of cities and villages.

Mr. Slocum offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the standing committee on railroads be instructed to report a bill establishing the fare of the several railroad companies between Albany and Buffalo at a rate not exceeding three cents per mile for each passenger for the first class of cars, and that said

companies be required to run daily a sufficient number of cars of the second class to accomodate the wants of the public at a rate not exceeding two cents per mile for each passenger.

*Ordered*, That the said resolution be laid upon the table.

On motion of Mr. Elderkin, and by unanimous consent.

*Resolved*, That the Comptroller be requested to furnish to this House a statement of all the moneys drawn from the State treasury by Chauncey Smith, late agent of the Sing Sing prison; that he state particularly whether or not the sum of \$7,500.00, appropriated by the act passed April 12, 1848, for the purpose of completing the works for conveying the Croton water into said prison was expended; and also, whether the sum of \$1,000 appropriated by the same act for the erection of a kitchen, dining-room, hospital and chapel are included in his statement of moneys so drawn, and if so, whether said moneys have been applied for the purpose named in said act.

On motion of Mr. Elderkin,

*Resolved*, That a respectful message be sent to the Honorable the Senate, requesting that the papers on file in that House in relation to the claim of Asa Baxter, be taken from the files and transmitted to the Assembly, and when received, that they be referred to the committee on ways and means.

Mr. Slocum offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the committee on the judiciary be instructed to introduce a bill, extending the provisions of so much of title 5, article 2, part 3, of the Revised Statutes as relates to the redemption of lands and other real estate sold on execution to all sales that shall hereafter be made on the foreclosure of any mortgage or on notice of sale by the loan commissioners of this State.

*Ordered*, That the said resolution be laid on the table.

Mr. Elwood gave notice that he would at an early day ask leave to bring in a bill to authorise surrogates to take acknowledgments and administer oaths.

On motion of Mr. Varnum,

*Resolved*, That the clerk of the court of appeals be directed to report to this House at the earliest possible day, what progress he has made in executing the provisions of the act entitled "An act in respect to the funds and securities in possession of the court of appeals," passed April 12, 1848; to what offices he has made the transfers required by said act; to what counties the securities therein mentioned have been assigned and delivered, and if such assignments and transfers have not been made, that said clerk state his reasons therefor.

On motion of Mr. Cornell,

*Resolved*, That the engrossed bill from the Senate entitled "An act for the relief of certain purchasers of Lands from the Trust Fire Insurance Company in the city of New-York," be referred to the committee of the whole House having in charge the bill entitled "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties."

The House then again resolved itself into a committee of the whole on the bills, entitled as follows:

"An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton, and Warren counties."

The engrossed bill from the Senate entitled "An act for the relief of certain purchasers of lands from the Trust Fire Insurance Company of the city of New-York," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Ward from said committee, reported that the committee had gone through said first named bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading

Mr. Ward from the same committee reported that the committee had gone through said second mentioned bill and agreed to the same without amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to divide the town of Shandaken, and to erect the town of Denning in the county of Ulster," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Wisewell from said committee reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act for the appraisal and payment of the damages of Benjamin Wadsworth in the construction of the Eaton Brook Reservoir," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fish from said committee, reported that the committee had gone through the said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend an act to authorise Simeon Westfall to establish and continue a ferry across the Delaware river," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bull from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act further to amend an act to incorporate the Buffalo and Hamburg Turnpike Company, passed January 23, 1830," and after some time spent thereon Mr. Speaker resumed the chair and Mr. Fiske from said committee reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to pay the heirs at law of Conrad Brown for losses sustained during the revolutionary war," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Rose

from said committee reported progress and asked leave to sit again.

Mr. Danforth moved the said bill be referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Danforth, and it was determined in the negative.

Mr. Speaker then put the question whether the House would grant leave to sit again, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill entitled "An act to confer upon justices of the peace certain powers so as to recover the possession of lands in summary proceedings," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Varnum from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill, entitled "An act providing compensation for the damages sustained by John Ferris, while acting in obedience to the direction of the sheriff of Delaware county," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. L. Ward Smith from said committee, reported that the committee had gone through said bill and agreed to the same with amendments and the title amended so as to read "An act authorising compensation for damages sustained by John Ferris while acting in obedience to the direction of the sheriff of the county of Delaware," which was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to authorise the appraisal and payment of canal damages to George W. Manchester," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Slocum from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Buxton moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Buxton, and it was determined in the negative.

{ AYES 33 }  
{ NAYS 43 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Bagley	Mr. Leavenworth	Mr. Slocum
Mr. Barber	Mr. McLean	Mr. Stevens
Mr. Boughton	Mr. Marsh	Mr. Stevenson
Mr. Budd	Mr. Miller	Mr. Strever
Mr. Bull	Mr. Moffatt	Mr. Stryker
Mr. Buxton	Mr. Noble	Mr. J. E. Thompson

Mr. Crittenden	Mr. Pardee	Mr. Varnum
Mr. Gates	Mr. Pierce	Mr. Ward
Mr. A. Gilbert	Mr. Rockwell	Mr. Whittaker
Mr. L. M. Gilbert	Mr. Rose	Mr. Willard
Mr. Hammond	Mr. Rounseville	Mr. Wisewell

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Fish	Mr. Smalley
Mr. Beekman	Mr. Fitzhugh	Mr. L. Ward Smith
Mr. Bellinger	Mr. Glass	Mr. W. S. Smith
Mr. Bogart	Mr. Harmon	Mr. Stewart
Mr. Bowen	Mr. A. Johnson	Mr. Sweet
Mr. Bush	Mr. Kennedy	Mr. Terry
Mr. Button	Mr. McKinney	Mr. B. Thompson
Mr. L. Butts	Mr. Maine	Mr. A. Tuttle
Mr. W. Butts	Mr. Mowry	Mr. H. C. Tuthill
Mr. Carver	Mr. Picket	Mr. Wells
Mr. Crispell	Mr. Porter	Mr. Wheaton
Mr. Cross	Mr. Prescott	Mr. White
Mr. Curtis	Mr. Pruyn	Mr. Wilcox
Mr. Danforth	Mr. W. H. Robertson	Mr. Young
Mr. Elderkin		

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The House then resolved itself into a committee of the whole on the bill, entitled "An act to make the clerk's office of Erie county a salaried office," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Fiske from said committee reported progress, and asked for and obtained leave to sit again.

Mr. Buxton moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Buxton, and it was determined in the negative.

{ AYES 39 }  
{ NAYS 40 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Rounseville
Mr. Barber	Mr. Guernsey	Mr. Slocum
Mr. Boardman	Mr. Hammond	Mr. Smalley
Mr. Boughton	Mr. Hart	Mr. W. S. Smith
Mr. Bull	Mr. A. Johnson	Mr. Stevens
Mr. W. Butts	Mr. Leavenworth	Mr. Stevenson
Mr. Buxton	Mr. McLean	Mr. Stryker
Mr. Crittenden	Mr. Marsh	Mr. H. C. Tuthill
Mr. Curtis	Mr. Miller	Mr. Varnum
Mr. Danforth	Mr. Moffatt	Mr. Ward
Mr. Elderkin	Mr. Mowry	Mr. Wheaton
Mr. Fiske	Mr. Noble	Mr. Whittaker
Mr. Gates	Mr. Pardee	Mr. Wisewell

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Those who voted in the negative are,

Mr. Bagley	Mr. Fish	Mr. Rockwell
Mr. Beekman	Mr. Fitzhugh	Mr. L. Ward Smith
Mr. Bellinger	Mr. Glass	Mr. Stewart
Mr. Bogart	Mr. Harmon	Mr. Strever
Mr. Bowen	Mr. McKinney	Mr. Sweet
Mr. Budd	Mr. Maine	Mr. Terry
Mr. Bush	Mr. Nash	Mr. B. Thompson
Mr. Button	Mr. Picket	Mr. J. E. Thompson
Mr. L. Butts	Mr. Pierce	Mr. A. Tuttle
Mr. Carver	Mr. Porter	Mr. Wells
Mr. Clark	Mr. Prescott	Mr. White
Mr. Cornell	Mr. Pruyn	Mr. Wilcox
Mr. Crispell	Mr. W. H. Robertson	Mr. Young
Mr. Cross		

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The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend article 3, of title 1, of chapter 8 of part second of the Revised Statutes, entitled 'of divorces dissolving the marriage contract,'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bush from said committee reported progress and asked and obtained leave to sit again.

Mr. Pruyn moved the House adjourn.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

{ AYES 42 }  
{ NAYS 36 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Fiske	Mr. Pruyn
Mr. Beekman	Mr. Fitzhugh	Mr. Slocum
Mr. Bellinger	Mr. Gates	Mr. Smalley
Mr. Boardman	Mr. Hart	Mr. W. S. Smith
Mr. Bogart	Mr. A. Johnson	Mr. Stevens
Mr. Budd	Mr. Kennedy	Mr. Stevenson
Mr. Bull	Mr. McKinney	Mr. Stewart
Mr. L. Butts	Mr. Maine	Mr. Strever
Mr. Clark	Mr. Marsh	Mr. A. Tuttle
Mr. Crittenden	Mr. Miller	Mr. H. C. Tuthill
Mr. Curtis	Mr. Moffatt	Mr. Varnum
Mr. Danforth	Mr. Mowry	Mr. Ward
Mr. Elderkin	Mr. Porter	Mr. Wheaton
Mr. Fish	Mr. Prescott	Mr. Whittaker

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Those who voted in the negative are,

Mr. Bagley	Mr. Elwood	Mr. W. H. Robertson
Mr. Barber	Mr. A. Gilbert	Mr. Rockwell



Mr. Boughton	Mr. Glass	Mr. Rounseville
Mr. Bowen	Mr. Green	Mr. L. Ward Smith
Mr. Bush	Mr. Guernsey	Mr. Sweet
Mr. Button	Mr. Hammond	Mr. Terry
Mr. W. Butts	Mr. Harmon	Mr. B. Thompson
Mr. Buxton	Mr. McLean	Mr. J. E. Thompson
Mr. Carver	Mr. Nash	Mr. Wells
Mr. Cornell	Mr. Pardee	Mr. White
Mr. Crispell	Mr. Picket	Mr. Wilcox
Mr. Cross	Mr. Pierce	Mr. Young

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And then at 2½ o'clock, p. m.,  
The House adjourned.

### THURSDAY, FEBRUARY 15, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lowrey.

The minutes of yesterday were read and approved.

Mr. Hale presented seventeen several petitions of 1065 inhabitants of the counties of Steuben and Allegany, for the erection of a new county from parts of those counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. McLean presented the remonstrance of sundry inhabitants of Lakeville, against draining Conesus Lake, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Cornell presented the petition of the mayor, aldermen and common council of the city of New-York, for an amendment of the police laws of that city, which was read and referred to the select committee consisting of the New-York delegation.

Mr. Pruyn presented the memorial of John Young, Erastus Corning, Archibald McIntyre, John L. Schoolcraft, John Townsend, Alvah Hunt and numerous other citizens of this state, in favor of the establishment of an agricultural professorship in the Central College in Cortland co., which was read and referred to the committee on agriculture.

Mr. Slocum presented two several petitions of Mary Ann Baker and other inhabitants of Onondaga co., for a law annulling a decree of divorce made against her by the supreme court of this state, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Picket presented the remonstrance of sundry citizens of the town of Louisville, against annexing a part of that town to the town of Massena, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Pruyn presented the remonstrance of the president and directors of the Johnstown and McEwens Corners Plank Road Company, against any law interfering with the vested rights of the Caughnawaga Bridge Company without just compensation, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Averill presented the petition of 420 citizens of Ephratah, Fulton co., for the repeal of the act entitled "An act to lay out a public highway from Palatine bridge in Montgomery co., through the towns of Palatine, Ephratah and Caroga, to state lands in Fulton co.," passed March, 1847, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Carver and Mr. Elderkin presented two several petitions of sundry inhabitants of Clinton and St. Lawrence counties, for an act authorising the Northern Railroad Company to erect a bridge across Lake Champlain at Rouse's point, which were read and referred to the select committee on that subject.

Mr. Goff presented the remonstrance of sundry citizens of Essex co., against bridging Lake Champlain at Rouse's Point, which was read and referred to the select committee on that subject.

Mr. Wells presented the petition of sundry inhabitants of Warren co., for a law authorising the sale of lands sold for taxes, to be held in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Rockwell presented the petition of Oscar Granger and W. S. Todd for an act directing the commissioners of the canal fund to settle with them and pay them for services rendered the State, which was read and referred to the committee on grievances.

Mr. Campbell presented the petition of Richard D. Rhoades for the payment of damages sustained by him by reason of the sinking of a canal boat in the Erie canal, which was read and referred to the committee on canals.

Mr. Hale presented the petition of John W. Durham for the erection of a bridge across the Chemung canal feeder in the town of Painted Post, which was read and referred to the committee on canals.

Mr. Fitzhugh presented ten petitions of citizens of Oswego co., for an act authorising the erection of a free bridge at Oswego falls, also ten remonstrances of citizens of that county against the same, which were read and referred to the committee on roads and bridges.

Mr. A. Robertson presented the petition of sundry citizens of Washington co., for an act declaring the public utility of a railroad from Whitehall along the west shore of Lake Champlain, to intersect a railroad from Plattsburgh to Montreal, which was read and referred to the committee on railroads.

Mr. A. Robertson presented two petitions of sundry citizens of Washington co., praying for an appropriation to aid in constructing a canal from Port Henry to Crown Point around Bulwagg bay, which was read and referred to the committee on roads and bridges.

Mr. Willard presented the petition of sundry inhabitants of the town of Scio, for a new town from parts of the towns of Scio and Independence, in the county of Allegany, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Pruyn presented the petition of Thomas P. Waters for payment of losses sustained in the loss of a canal boat on the Erie canal, which was read and referred to the committee on canals.

Mr. Mowry presented the petition of sundry inhabitants of Washington co., for an act declaring the public utility of a railroad from Troy to some point on the easterly line of the State, there to unite with the Washington and Rutland railroad, which was read and referred to the committee on railroads.

Mr. Boardman presented the petition of sundry inhabitants of Allegany county for a bridge over the Genesee river, near Mixville, which was read and referred to the committee on roads and bridges.

Mr. Wing presented the petition of the Mayor and commonalty of the city of Albany, for the removal of a private burying-ground in South Pearl-street in that city, which was read and referred to the committee on charitable and religious societies.

Mr. McLean presented five several petitions of sundry citizens of Livingston county, for the erection of a new county from parts of Livingston, Steuben and Allegany counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Goff presented the petition of sundry citizens of Norwich, in the county of Essex, praying for an alteration of the line of said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Noble and Mr. L. Butts presented two several petitions of 311 citizens of the town of Sidney, in Delaware, and the town of Unadilla, in Otsego counties, for the erection of a new county to be called the county of Unadilla, and remonstrating against the erection of the proposed new county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Roblee presented the petition of sundry citizens of the county of Orleans, for the establishment of free schools throughout the state, which was read and referred to the committee on colleges, academies and common schools.

Mr. Elwood presented the petition of Matthew Huntington, of Rome, in Oneida co., for a law requiring the payment of the balance of an award made by the canal appraisers in his favor, which was read and referred to the committee on claims.

Mr. Peiley and Mr. Cornell presented two several remonstrances of sundry inhabitants of the city of New-York, against the removal of the Quarantine from Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. Ward presented the remonstrance of sundry citizens of the county of Cortland, against the repeal of the law concerning passengers arriving at the ports of entry and landings in this state, which

was read and referred to the committee on commerce and navigation.

Mr. Stevens presented the petition of 70 citizens of the town of Trenton, in Oneida co., for the repeal of the law requiring the infliction of death as a penalty, which was read and laid upon the table.

Mr. Rose from the committee on the militia and public defence, to which was referred the petition of Col. John Sharts for the creation of the office of inspector general of the militia, reported against the prayer of the petitioner and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Bush from the committee on the petitions of aliens, to which was referred the engrossed bill from the Senate entitled "An act for the relief of Mary Catherine Rapp," reported, that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. McLean from the committee on claims to which was referred the petition of Geo. Williams for damages sustained by the substitution of an open cut for the tunnel on the Genesee Valley canal at Portage, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Guernsey from the committee on roads and bridges, to which was referred the engrossed bill from the Senate entitled "An act to aid in repairing and improving the road leading from the State road in North Hudson to Mill Brook in the town of Moriah," reported, that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred so much of the annual report of the Comptroller as relates to banking, and a resolution of the House in relation to unclaimed dividends and deposits, reported, and asked, and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act relative to unclaimed bank dividends and deposits, passed May 9, 1835,' and for other purposes," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Pruyn, from the committee on colleges, academies and common schools to which was referred the petition of John O'Blennis for the repeal of all common school laws, reported against the prayer of the pe-

tioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. McLean, from the committee on claims, to which was referred the petition of Mary Murray and others, for relief from damages sustained in the construction of the Genesee Valley canal, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. L. Ward Smith, from the select committee, to which was referred the bill entitled "An act to exempt from execution the homestead of a householder having a family," and numerous petitions for the same objects, reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. L. Ward Smith, from the select committee, to which was referred the bill entitled "An act to exempt from execution the homestead of a householder having a family," reported that the committee had examined the said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. W. S. Smith, from the select committee, to which was referred the petition of sundry inhabitants of Suffolk co., for a law to protect the woodlands in said county from fires, reported, and asked and obtained leave to bring in a bill, entitled "An act to protect woodlands in Suffolk county against destruction by fire," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows to wit:

"An act further to amend an act to incorporate the Buffalo and Hamburg Turnpike Company, passed January 23, 1830."

"An act authorising compensation for damages sustained by John Ferris, while acting in obedience to the direction of the sheriff of the county of Delaware."

"An act for the appraisal and payment of the damages of Benjamin Wadsworth in the construction of the Eaton Brook Reservoir."

"An act to divide the town of Shandaken, and to erect the town of Denning in the county of Ulster."

"An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties."

"An act to authorise the appraisal and payment of canal damages to George W. Manchester."

And found the same correctly engrossed.

*Ordered*, That the said bills be read a third time.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, Feb. 14, 1849.* }

TO THE ASSEMBLY :

I have this day approved and signed the bills, entitled as follows :

"An act to confirm the official acts of Henry G. Button, a justice of the peace of the town of Westville."

"An act to authorise the western branch of the Schoharie Turnpike Road company to abandon a part of their road."

"An act making appropriations in part for the expenses of government for the fiscal year commencing October 1, 1848 ; and for other purposes.

#### HAMILTON FISH.

A communication from the clerk of the court of appeals in answer to a resolution of this House of February 14, in relation to the funds and securities in possession of the clerk of the court of appeals was received and referred to the committee on the judiciary.

(*See Doc. No. 110.*)

The annual report of the Eastern Dispensary of the city of New-York was received and referred to the committee on medical societies and colleges.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled, "An act to pay Enos Steele for constructing a ditch from Skajaquada to Cornelius creek and bridges over the same, and straightening and deepening Cornelius creek in the town of Black Rock," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act to amend an act entitled 'An act to extend Third-street east in the village of Jamestown to Second-street,' passed April 10, 1848," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

"An act authorising the payment of a sum of money to John Cammerdon for giving information of an escheat," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on grievances.

"An act to extend the remedies at law against insurance companies," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on canals.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the resolution therewith delivered, in the words following, to wit :

*Resolved*, (if the Assembly concur,) That the 15th joint rule be amended by adding thereto the following words: "Whenever an extra number of any document are ordered to be printed, 60 copies in addition to the number so ordered be printed for the use of the Governor of this State."

*Ordered*, That the said resolution be laid on the table.

The engrossed bill, entitled "An act to authorise the appraisal and payment of canal damages to George W. Manchester," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Rockwell
Mr. Bagley	Mr. Glass	Mr. Rose
Mr. Bailey	Mr. Goff	Mr. Rounseville
Mr. Barber	Mr. Gove	Mr. Sexton
Mr. Bellinger	Mr. Green	Mr. Slocum
Mr. Boardman	Mr. Guernsey	Mr. Smalley
Mr. Bogart	Mr. Hammond	Mr. L. Ward Smith
Mr. Bowen	Mr. Harmon	Mr. Speaker
Mr. Budd	Mr. Hart	Mr. Stevens
Mr. Bull	Mr. A. Johnson	Mr. Stevenson
Mr. Bush	Mr. Kennedy	Mr. Stewart
Mr. Button	Mr. Leavenworth	Mr. Strever
Mr. L. Butts	Mr. McKinney	Mr. Stryker
Mr. W. Butts	Mr. McLean	Mr. Sweet
Mr. Buxton	Mr. Maine	Mr. Terry
Mr. Campbell	Mr. Marsh	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. J. E. Thompson
Mr. Clark	Mr. Moffatt	Mr. A. Tuttle
Mr. Cornell	Mr. Nash	Mr. H. C. Tuthill
Mr. Crispell	Mr. Pardee	Mr. Varnum
Mr. Crittenden	Mr. Perley	Mr. Ward
Mr. Cross	Mr. Picket	Mr. Wells
Mr. Curtis	Mr. Pierce	Mr. Wheaton
Mr. Danforth	Mr. Porter	Mr. Whittaker
Mr. Elderkin	Mr. Prescott	Mr. Willard
Mr. Elwood	Mr. Pruyn	Mr. Wilcox
Mr. Fish	Mr. Roblee	Mr. Wisewell
Mr. Gates	Mr. A. Robertson	Mr. Young
Mr. A. Gilbert	Mr. W. H. Robertson	

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act authorising compensation for the damages sustained by John Ferris while acting in obedience to the direction of the sheriff of the county of Delaware," was read the third time.

Mr. A. Tuttle moved the said bill be recommitted to the committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Tuttle, and it was determined in the affirmative.

The engrossed bill, entitled "An act to divide the town of Shandaken and to erect the town of Denning in the county of Ulster," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Rose
Mr. Averill	Mr. Glass	Mr. Rounseville
Mr. Bagley	Mr. Gove	Mr. Sexton
Mr. Barber	Mr. Green	Mr. Slocum
Mr. Beekman	Mr. Guernsey	Mr. Smalley
Mr. Bellinger	Mr. Hammond	Mr. L. Ward Smith
Mr. Boardman	Mr. Harmon	Mr. W. S. Smith
Mr. Bogart	Mr. Hart	Mr. Speaker
Mr. Bowen	Mr. A. Johnson	Mr. Stevens
Mr. Budd	Mr. Kennedy	Mr. Stevenson
Mr. Bull	Mr. Leavenworth	Mr. Stewart
Mr. Bush	Mr. McKinney	Mr. Strever
Mr. Button	Mr. McLean	Mr. Stryker
Mr. L. Butts	Mr. Maine	Mr. Sweet
Mr. W. Butts	Mr. Marsh	Mr. Terry
Mr. Buxton	Mr. Miller	Mr. B. Thompson
Mr. Campbell	Mr. Moffatt	Mr. J. E. Thompson
Mr. Carver	Mr. Mowry	Mr. A. Tuttle
Mr. Clark	Mr. Nash	Mr. H. C. Tuthill
Mr. Cornell	Mr. Pardee	Mr. Varnum
Mr. Crispell	Mr. Perley	Mr. Ward
Mr. Crittenden	Mr. Picket	Mr. Wells
Mr. Cross	Mr. Pierce	Mr. Wheaton
Mr. Curtis	Mr. Porter	Mr. Whittaker
Mr. Danforth	Mr. Prescott	Mr. Willard
Mr. Elderkin	Mr. Pruyn	Mr. Wilcox
Mr. Elwood	Mr. Roblee	Mr. Wing
Mr. Fish	Mr. A. Robertson	Mr. Wisewell
Mr. Gates	Mr. W. H. Robertson	Mr. Young
Mr. A. Gilbert	Mr. Rockwell	



*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act for the appraisal and payment of the damages of Benjamin Wadsworth in the construction of the Eaton Brook Reservoir," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Averill	Mr. L. M. Gilbert	Mr. Rose
Mr. Bagley	Mr. Glass	Mr. Rounseville
Mr. Bailey	Mr. Gove	Mr. Sexton
Mr. Barber	Mr. Green	Mr. Slocum
Mr. Beekman	Mr. Guernsey	Mr. Smalley
Mr. Bellinger	Mr. Hammond	Mr. L. Ward Smith
Mr. Boardman	Mr. Harmon	Mr. Speaker
Mr. Bogart	Mr. Hart	Mr. Stevens
Mr. Bowen	Mr. A. Johnson	Mr. Stevenson
Mr. Budd	Mr. Kennedy	Mr. Stewart
Mr. Bull	Mr. Leavenworth	Mr. Strever
Mr. Bush	Mr. McKinney	Mr. Stryker
Mr. Button	Mr. McLean	Mr. Sweet
Mr. L. Butts	Mr. Maine	Mr. Terry
Mr. W. Butts	Mr. Marsh	Mr. B. Thompson
Mr. Campbell	Mr. Miller	Mr. J. E. Thompson
Mr. Carver	Mr. Moffatt	Mr. A. Tuttle
Mr. Clark	Mr. Nash	Mr. H. C. Tuthill
Mr. Cornell	Mr. Pardee	Mr. Varnum
Mr. Crispell	Mr. Perley	Mr. Ward
Mr. Crittenden	Mr. Picket	Mr. Wells
Mr. Cross	Mr. Pierce	Mr. Wheaton
Mr. Curtis	Mr. Porter	Mr. Whittaker
Mr. Danforth	Mr. Prescott	Mr. Willard
Mr. Elderkin	Mr. Pruyn	Mr. Wilcox
Mr. Elwood	Mr. Roblee	Mr. Wisewell
Mr. Fish	Mr. A. Robertson	Mr. Young
Mr. Gates	Mr. W. H. Robertson	

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the relief of certain purchasers of lands from the Trust Fire Insurance Company in the city of New-York," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 84 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Averill	Mr. L. M. Gilbert	Mr. Rose
Mr. Bagley	Mr. Gove	Mr. Rounseville
Mr. Barber	Mr. Green	Mr. Sexton
Mr. Beekman	Mr. Guernsey	Mr. Slocum
Mr. Bellinger	Mr. Hammond	Mr. Smalley
Mr. Boardman	Mr. Harmon	Mr. L. Ward Smith
Mr. Bogart	Mr. Hart	Mr. Speaker
Mr. Boughton	Mr. A. Johnson	Mr. Stevens
Mr. Budd	Mr. Kennedy	Mr. Stevenson
Mr. Bull	Mr. Leavenworth	Mr. Stewart
Mr. Bush	Mr. McKinney	Mr. Strever
Mr. Button	Mr. McLean	Mr. Stryker
Mr. L. Butts	Mr. Maine	Mr. Sweet
Mr. W. Butts	Mr. Marsh	Mr. Terry
Mr. Campbell	Mr. Miller	Mr. B. Thompson
Mr. Carver	Mr. Moffatt	Mr. J. E. Thompson
Mr. Clark	Mr. Noble	Mr. A. Tuttle
Mr. Cornell	Mr. Pardee	Mr. H. C. Tuthill
Mr. Crispell	Mr. Perley	Mr. Varnum
Mr. Crittenden	Mr. Picket	Mr. Ward
Mr. Cross	Mr. Pierce	Mr. Wells
Mr. Curtis	Mr. Porter	Mr. Wheaton
Mr. Danforth	Mr. Prescott	Mr. Whittaker
Mr. Elderkin	Mr. Pruyn	Mr. Willard
Mr. Elwood	Mr. Roblee	Mr. Wilcox
Mr. Fish	Mr. A. Robertson	Mr. Wisewell
Mr. Gates	Mr. W. H. Robertson	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill, entitled "An act further to amend an act to incorporate the Buffalo and Hamburgh Turnpike Company, passed January 23, 1830," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Rockwell
Mr. Averill	Mr. L. M. Gilbert	Mr. Rose
Mr. Bagley	Mr. Glass	Mr. Rounseville
Mr. Barber	Mr. Graham	Mr. Sexton
Mr. Beekman	Mr. Guernsey	Mr. Slocum
Mr. Bellinger	Mr. Hale	Mr. Smalley
Mr. Boardman	Mr. Hammond	Mr. L. Ward Smith
Mr. Bogart	Mr. Harmon	Mr. W. S. Smith
Mr. Boughton	Mr. Hart	Mr. Speaker
Mr. Budd	Mr. A. Johnson	Mr. Stevens
Mr. Bull	Mr. Kennedy	Mr. Stevenson
Mr. Bush	Mr. Leavenworth	Mr. Stewart
Mr. Button	Mr. McKinney	Mr. Strever
Mr. L. Butts	Mr. McLean	Mr. Stryker
Mr. W. Butts	Mr. Maine	Mr. Sweet
Mr. Buxton	Mr. Marsh	Mr. Terry
Mr. Campbell	Mr. Miller	Mr. B. Thompson
Mr. Carver	Mr. Moffatt	Mr. J. E. Thompson
Mr. Clark	Mr. Mowry	Mr. A. Tottle
Mr. Cornell	Mr. Nash	Mr. H. C. Tuthill
Mr. Crispell	Mr. Noble	Mr. Varnum
Mr. Crittenden	Mr. Perley	Mr. Ward
Mr. Cross	Mr. Picket	Mr. Wells
Mr. Curtis	Mr. Pierce	Mr. Wheaton
Mr. Danforth	Mr. Porter	Mr. Whittaker
Mr. Elderkin	Mr. Prescott	Mr. Willard
Mr. Elwood	Mr. Pruyn	Mr. Wilcox
Mr. Fish	Mr. Roblee	Mr. Wisewell
Mr. Gates	Mr. A. Robertson	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to regulate the expenditure of the highway tax in parts of Essex, Hamilton and Warren counties," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 84 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Goff	Mr. Rockwell
Mr. Averill	Mr. Gove	Mr. Rose
Mr. Bagley	Mr. Green	Mr. Rounseville
Mr. Barber	Mr. Guernsey	Mr. Sexton
Mr. Beekman	Mr. Hale	Mr. Slocum

Mr. Bellinger	Mr. Hammond	Mr. Smalley
Mr. Boardman	Mr. Harmon	Mr. L. Ward Smith
Mr. Bogart	Mr. Hart	Mr. W. S. Smith
Mr. Bowen	Mr. A. Johnson	Mr. Speaker
Mr. Budd	Mr. Kennedy	Mr. Stevens
Mr. Bull	Mr. Leavenworth	Mr. Stevenson
Mr. Bush	Mr. McKinney	Mr. Stewart
Mr. Button	Mr. McLean	Mr. Strever
Mr. L. Butts	Mr. Maine	Mr. Sweet
Mr. W. Butts	Mr. Miller	Mr. Terry
Mr. Buxton	Mr. Moffatt	Mr. B. Thompson
Mr. Campbell	Mr. Mowry	Mr. J. E. Thompson
Mr. Carver	Mr. Nash	Mr. A. Tuttle
Mr. Clark	Mr. Pardee	Mr. H. C. Tuthill
Mr. Cornell	Mr. Perley	Mr. Varnum
Mr. Crispell	Mr. Picket	Mr. Ward
Mr. Crittenden	Mr. Pierce	Mr. Wells
Mr. Cross	Mr. Porter	Mr. Wheaton
Mr. Curtis	Mr. Prescott	Mr. Whittaker
Mr. Gates	Mr. Pruyn	Mr. Willard
Mr. A. Gilbert	Mr. Roblee	Mr. Wilcox
Mr. L. M. Gilbert	Mr. A. Robertson	Mr. Wisewell
Mr. Glass	Mr. W. H. Robertson	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Elwood,

*Resolved*, That the papers on file in this House in the matter of the claim of Phineas Richardson, David Briggs and others, be taken from the files and referred to the committee on claims.

On motion of Mr. Pruyn,

*Resolved*, That the bill entitled "An act to amend the charter of the city of Albany, in relation to the number and manner of electing the assessors for the said city," be referred to a select committee consisting of the members representing the county of Albany in this House, to report complete.

On motion of Mr. Glass,

*Resolved*, That the Auburn and Syracuse and Auburn and Rochester Railroad Companies be and are hereby severally and respectively requested to report to this House at an early day, what dividends have been made by them in such a manner as to show the time and amount of each dividend made, and the aggregate amount of such dividends; also the amount of capital which has been actually paid in and expended by said companies in the construction of said roads, exclusive of the earnings or income of said companies, with the date when such capital was paid in. Also the interest (if any) which has been paid or allowed to stockholders upon the capital paid in, and when and in what manner such interest was paid or allowed, together with the aggregate amount thereof.

On motion of Mr. Stewart,

*Resolved*, That the Assembly bill entitled "An act for the benefit of certain purchasers of land acquired by treaty from the Stockbridge Indians," and the papers be taken from the unfinished business, and be referred to the committee on claims, and that it retain its place on the unfinished business.

Mr. Sweet gave notice that he would at an early day ask leave to introduce a bill in relation to the libraries of the late courts of chancery and supreme court.

On motion of Mr. Cross,

*Resolved*, That the bill entitled "An act to amend the charter of the city of Rochester," be taken from the committee on the incorporation of cities and villages, and referred to the committee on the judiciary.

On motion of Mr. Fitzhugh.

*Resolved*, That the committee on canals be discharged from the consideration of the petition of the inhabitants of the city of Brooklyn, for a law to authorise the construction of a canal in said city, and that the same be referred to the committee on the incorporation of cities and villages.

On motion of Mr. Pruyn,

*Resolved*, That the standing committee on the incorporation of cities and villages, enquire and report on the expediency of passing a law in compliance with section nine, article eight of the constitution, restricting the power of taxation of cities and villages, and their power of assessment, borrowing money, contracting debts, and loaning their credit so as to prevent abuses in assessments and in contracting debt by such municipal corporations.

Mr. Wing gave notice that he would at early day ask leave to bring in a bill to revive the act incorporating the Albany City Hospital.

Mr. Bull gave notice that he would at an early day ask leave to introduce a bill to amend the act in relation to telegraph companies.

On motion of Mr. L. Ward Smith,

*Resolved*, That the petition and papers of inhabitants of Monroe, Ontario, and other counties, for a law prohibiting the killing of game at certain seasons, be taken from the committee on the internal affairs of towns and counties, and referred to a select committee.

*Ordered*, That Mr. L. Ward Smith, Mr. Rose, Mr. W. S. Smith, Mr. Averill and Mr. Porter be such committee.

In pursuance of previous notice Mr. Maine asked for and obtained leave to bring in a bill entitled "An act to aid in the dissemination of agricultural science," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Maine,

*Ordered*, That the said bill be referred to a select committee.

*Ordered*, That Mr. Maine, Mr. Rose, Mr. Pruyn, Mr. W. S. Smith and Mr. Fitzhugh be said committee.

In pursuance of previous notice Mr. Elwood asked for and obtained leave to bring in a bill entitled "An act to authorise surrogates to take acknowledgments of deeds and to administer oaths," which was

read the first time, and by unanimous consent was also read the second time, and referred to the committee on the judiciary.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to pay the heirs at law of Conrad Brown, deceased, for losses sustained during the revolutionary war," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Rose from said committee, reported that the committee had gone through said bill and agreed to the same with amendments.

Mr. W. S. Smith moved that said bill be referred to the committee on claims to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith and it was determined in the affirmative.

The House then resolved itself into a committee of the whole, on the bill, entitled "An act to provide for the incorporation of insurance companies," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bull from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to make the clerk's office of Erie county a salaried office," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. White from said committee reported progress.

Mr. Pruyn moved said bill be referred to a select committee of the Erie county delegation to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

On motion of Mr. Bagley,

*Resolved*, That "An act to amend article 3, of title 1, of chapter 8, of part second of the Revised Statutes, entitled 'of divorces dissolving the marriage contract,'" be recommitted to the committee on the judiciary, and that it retain its place in the order of business when reported by the committee.

And then at ten minutes before two o'clock p. m.,

On motion of Mr. Buxton,

The House adjourned.

FRIDAY, FEBRUARY 16, 1849.

The House met pursuant to adjournment.

Mr. W. S. Smith acting as Speaker, by appointment, under the 7th rule of the House.

Prayer by the Rev. Dr. Kip.

The minutes of yesterday were read and approved.

Mr. Elwood presented the petition of the officers of the Oneida co. temperance society, praying for a repeal of the license law, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Kelsey presented the petition of sundry inhabitants of the county of Monroe, praying for the abolition of the mayor's court in the city of Rochester, which was read and referred to the committee on the judiciary.

Mr. Markel presented two several petitions of sundry citizens of the county of Seneca, for a law constituting ten hours a legal day's labor, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Markel presented the petition of Jacob Chamberlin and others, citizens of Seneca Falls, in the county of Seneca, praying for the appraisal and payment of certain damages sustained by them in consequence of using the waters of Seneca river for the purpose of feeding the Seneca canal, which was read and referred to the committee on claims.

Mr. B. Thompson presented the petition of the trustees of the Buffalo Savings Bank, for an amendment of their charter, which was read and referred to the committee on banks and insurance companies.

Mr. Boughton presented the petition of Nezhiah Bliss and others, citizens of Kings co., for a law authorising them to erect docks in the town of Bushwick in said county, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Rose presented the remonstrance of sundry citizens of Wyoming county, against the proposed amendment of the charter of the Attica and Hornellsville Railroad Company, which was read and referred to the committee of the whole House when on the bill on that subject.

Mr. Fish presented the petition of sundry citizens of the town of Root, in the county of Montgomery, for an act authorising the Johnstown and Fultonville Plank Road Company to build a bridge across the Mohawk river, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Fitzhugh presented the petition of sundry citizens of Oswego co., for a tax to construct a free bridge at Oswego Falls, in that

county, which was read and referred to the committee on roads and bridges.

Mr. Pierce presented the petition of the directors of the Utica and Waterville Central Plank Road company, praying for an act to allow them to lay their road but three rods wide, which was read and referred to the committee on roads and bridges.

Mr. Boughton presented the petition of sundry inhabitants of the county of Kings, praying for a law to reduce the tolls of the Coney Island Road and Bridge Company, and for other purposes, which was read and referred to the committee on roads and bridges.

Mr. Taylor presented the remonstrance of sundry citizens of New-York against the removal of the quarantine from Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. Cornell presented the petition of Garrit Storm and other inhabitants of the city of New-York, praying for a revision of the wharfage laws, which was read and referred to the committee on commerce and navigation.

Mr. Danforth presented the remonstrance of sundry inhabitants of Schoharie co., against the repeal of the law in relation to Canadian emigrants, which was read and referred to the committee on commerce and navigation.

Mr. A. Robertson presented the petition of sundry inhabitants of Washington co., for a railroad from Plattsburgh to intersect at the Canada line a railroad to Montreal, which was read and referred to the committee on railroads.

Mr. Picket presented the petition and resolutions of citizens of the town of Canton for an act authorising the construction of plank road at the expense of the town.

On motion of Mr. Picket,

*Ordered*, That said petition be referred to a select committee, consisting of the St. Lawrence co. delegation.

Mr. Hale presented five petitions of sundry citizens of Steuben county, praying for the erection of a new county from parts of Steuben and Allegany counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Young presented the petition of sundry inhabitants of Broome county, praying for the erection of a new county from parts of Delaware, Broome, Chenango and Otsego counties, to be called the county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Buxton presented two petitions of sundry inhabitants of Steuben county, praying for the erection of a new county from parts of Steuben, Livingston and Allegany counties, with the county seat at Dansville, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Bellinger presented the petition of James Folts, for a law authorising the erection of a farm bridge over the Erie canal in Frankfort, which was read and referred to the committee on canals.

Mr. Gove and Mr. Elderkin presented three several petitions of



sundry inhabitants of the counties of Franklin and St. Lawrence, for a law authorising the Northern Railroad company to erect a bridge across Lake Champlain, near Rouse's point, which were read and referred to the select committee on that subject.

Mr. A. Robertson presented the remonstrance of sundry inhabitants of Washington co., against any law authorising the erection of a bridge across Lake Champlain, which was read and referred to the select committee on that subject.

Mr. W. S. Smith presented the remonstrance of sundry citizens of Queens co., against the incorporation of the association for the improvement of the breed of horses, which was read and referred to the committee on agriculture.

Mr. Crispell presented the remonstrance of sundry inhabitants of Woodstock, against the alteration of the charter of the Woodstock and Saugerties Turnpike Company, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Fitzhugh presented the petition of W. A. Sackett and other citizens of Seneca, Ontario and Cayuga counties, asking that two locks on the Cayuga and Seneca canal may be dispensed with, which was read and referred to the committee on canals.

Mr. A. Robertson presented two several petitions of sundry inhabitants of Washington co., for an aqueduct over the Hudson river in the vicinity of Fort Miller bridge, which were read and referred to the committee on canals.

Mr. Cross presented the memorial of the common council of the city of Brooklyn, asking for the passage of a law to authorise them to loan money to supply said city with water for the extinguishment of fires, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Kidd presented the remonstrance of 204 citizens of Westchester, against the application of the school moneys of the town to a private school situated therein, which was read and referred to the committee on colleges, academies and common schools.

Mr. Kidd presented two several petitions of sundry citizens of the county of Westchester, for the establishment of free schools throughout the state, which were read and referred to the committee on colleges, academies and common schools.

Mr. Porter presented the petition of sundry citizens of Ontario co., for a law prohibiting entirely the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Boardman presented the remonstrance of sundry inhabitants of Allegany co., against the removal of the court house, jail or clerk's office in that county, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Fish presented the memorial of Willard Rose, one of the directors of the Johnstown and McEwen's Corners Plank Road Company, in regard to his signature to a certain remonstrance, which was read and referred to the committee of the whole House when on the bill on that subject.

Mr. Fish presented the petition of sundry citizens of Montgomery co., for a law authorising the Fultonville and Johnstown Plank Road Company to erect a bridge across the Mohawk river; together with the offer of said company to purchase the Caughnawaga bridge, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Danforth presented three several remonstrances of sundry citizens of Johnstown and Fultonville, against any law interfering with the charter of the Caughnawaga Bridge Company without just compensation, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Rose from the committee on the militia and public defence, to which was referred the petition of the 1st division of the New-York state militia, for an amendment of the act organizing the same, reported, and asked, and obtained leave to bring in a bill entitled "An act to amend an act for the organization of the first division of the New-York state militia," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Rose from the committee on the militia and public defence, to which was referred the concurrent resolution for the presentation of a sword to Lieut. Col. Wm. Wallace Smith Bliss, reported in favor of said resolution without amendment.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred so much of the annual message of the Governor as relates to colleges, &c., reported, and asked, and obtained leave to bring in a bill entitled "An act appropriating the revenue of the Literature and United States Deposit Fund," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred so much of the annual report of the Comptroller as relates to colleges, academies, and common schools, reported, and asked, and obtained leave to bring in a bill entitled "An act making appropriations for the support of common schools for the years 1849 and 1850," which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Buffalo, passed April 20, 1832, and the various acts amendatory thereof, passed April 17, 1843,'" reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Cross from the committee on the incorporation of cities and

villages, to which was referred the petition of the mayor &c. of Albany for a law to authorise the discontinuance of Diagonal street in said city, reported, and asked, and obtained leave to bring in a bill entitled "An act to close and discontinue Diagonal street in the city of Albany;" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred the petition of John M. Picket of Lyons, Wayne county, for a law authorising the payment of a certain claim against the Bank of Lyons, reported against the prayer of the petitioner and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Campbell from the committee on banks and insurance companies to which was referred the bill, entitled "An act to incorporate the Knickerbocker Bank for Savings in the city of New-York," reported that the committee had examined said bill and made sundry amendments thereto, and amended the title so as to read "An act to incorporate the Knickerbocker Savings Institution in the city of New-York," and saw no reason why the same as amended should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies, to which was referred the bill, entitled "An act to amend an act to incorporate the Buffalo Savings bank, passed May 9, 1846," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same as amended should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred the bill, entitled "An act to provide for the election of officers of mutual fire insurance companies," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. McLean from the committee on claims to which was referred the petition of George Tibbits for relief from damages to his hydraulic works by the construction of the Erie and Champlain canals, reported and asked and obtained leave to introduce a bill, entitled "An act for the appraisal and payment of canal damages to George Tibbits," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. L. Ward Smith, from the select committee, to which was referred the petition of inhabitants of Monroe and Ontario counties for the preservation of game therein, reported and asked and obtained leave to introduce a bill, entitled "An act for the preservation of game in the counties of Monroe, Ontario, Livingston, Cayuga, Wayne, Yates, Wyoming, Niagara, Genesee and Orleans," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Elderkin from the select committee, to which was referred the petition of sundry inhabitants of the town of Canton and resolutions of the town meeting of said town, for an act authorising the construction of a plank road at the expense of said town, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the construction of a plank road in the town of Canton," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Elderkin,

*Ordered*, That said bill be referred to select committee consisting of the St. Lawrence co. delegation to report complete.

Mr. B. Thompson from the select committee to which was referred the engrossed bill from the Senate, entitled "An act in relation to pardons," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Sweet from the committee on the judiciary, to which was referred the petition of the Syracuse Railroad Company, for a law to repeal or amend the act requiring compensation for causing death by wrongful act, neglect or default, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act requiring compensation for causing death by wrongful act, neglect or default, passed December 13, 1847," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

A communication from the register of the city and county of New-York, in answer to a resolution of this House of February 10, in relation to the amount of fees, perquisites, &c., received, and the expenses of the office of register, was received and referred to the committee of the whole when on the bill upon that subject.

A communication from the Comptroller, in answer to a resolution of this House of the 13th inst., in relation to the draft paid by the agent of the Sing Sing prison to Wm. Radford, was received and referred to the committee on state prisons.

(See Doc. No. 92.)

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to provide for the completion of the Normal School building," which was

read the first time, and by unanimous consent was also read a second time, and referred to the committee on ways and means.

Mr. B. Thompson gave notice that he would, at an early day, ask leave to bring in a bill to incorporate the Alliance Mutual Insurance Company of Buffalo.

Mr. Roblee gave notice that he would, at some early day, ask leave to bring in a bill to exempt the same property from forced sale in the collection of school rate bills that is exempt from levy and sale upon execution.

Mr. Pruyn gave notice that he would, at an early day, ask leave to bring in a bill to amend the act to provide for the incorporation of villages, passed Dec. 7, 1847, so far as relates to the village of Cohoes.

On motion of Mr. Bush,

*Resolved*, That Assembly bill, entitled "An act to annex a part of the town of Rockland to the town of Liberty, in the county of Sullivan," be referred to a select committee with instructions to report complete.

*Ordered*, That Mr. Bush, Mr. Maine, Mr. Cross, Mr. Clark and Willard be such committee.

In pursuance of previous notice Mr. Bull asked for and obtained leave to bring in a bill entitled "An act to amend the act in relation to telegraph companies," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

By unanimous consent Mr. Buxton asked for and obtained leave to bring in a bill entitled "An act for the appointment of a railroad commissioner for the lines of railroad from the Hudson river to Buffalo," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on railroads.

In pursuance of previous notice, Mr. Kidd asked for and obtained leave to bring in a bill entitled "An act to authorise county clerks to make out an index of the names of mortgages, to prescribe the duties of assessors, and to amend section twenty-six, chapter thirteen, title two, part one, of the Revised Statutes," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice Mr. Fish asked for and obtained leave to bring in a bill entitled "An act to provide for building a free bridge across the Mohawk river between the towns of St. Johnsville and Minden, in the county of Montgomery," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on roads and bridges.

In pursuance of previous notice Mr. Bailey asked for and obtained leave to bring in a bill entitled "An act in relation to costs," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice Mr. L. Butts asked for and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act to abolish distress for rent and for other purposes, pass-

ed May 13, 1846," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice Mr. Averill asked for and obtained leave to bring in a bill entitled "An act to incorporate the Farmers' Mutual Fire Insurance Company of Amsterdam," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice Mr. Van Orden asked for and obtained leave to bring in a bill entitled "An act to continue in office the commissioners on practice and pleadings," which was read the first time, and by unanimous consent was also read a second time.

Mr. Van Orden moved to refer the said bill to a select committee.

Mr. Campbell moved the said bill be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Campbell, and it was determined in the negative.

Mr. Speaker put the question whether the House would agree to the said motion, of Mr. Van Orden and it was determined in the affirmative.

*Ordered*, That Mr. Van Orden, Mr. White, Mr. Cross, Mr. Fitzhugh and Mr. L. Butts be such committee.

In pursuance of previous notice Mr. Pruyn asked for and obtained leave to bring in a bill entitled "An act making appropriation for the support in part of the orphan asylums of the citizens of Albany and Troy," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on ways and means.

Leave of absence was granted to Mr. Graham and Mr. Harmon for one week each; to Mr. Whittaker for eight days; to Mr. H. C. Tuttle and Mr. Gates for ten days each; to Mr. Hammond for six days, and to Mr. Curtis for three days.

The House then resolved itself into a committee of the whole on the bill entitled "An act to erect the town of Shongo from the towns of Independence and Scio, in the county of Allegany," and after some time spent thereon Mr. Speaker resumed the chair and Mr. McLean from said committee reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then again resolved itself into a committee of the whole on the bill entitled "An act to amend an act to incorporate the East River Savings Institution, passed April 11, 1848," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Roblee from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then again resolved itself into a committee of the

whole on the bill entitled "An act to provide for the incorporation of insurance companies," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Danforth from said committee, reported that the committee had gone through said bill and agreed to the same with amendments.

Mr. Campbell moved said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Campbell, Mr. Fitzhugh, Mr. Pruyn, Mr. Noble and Mr. Button be such committee.

The House then resolved itself into a committee of the whole on the bill entitled "An act to confer upon justices of the peace certain powers so as to recover the possession of lands in summary proceedings," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Varnum from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend the act to consolidate and amend the charter of the village of Watertown," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Hale from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading

The House then resolved itself into a committee of the whole on the bill entitled "An act to incorporate the Newfane Centre Burial Ground Association," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Kelsey from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Beekman,

*Resolved*, That the bill, entitled "An act to amend an act in relation to the fees and compensation of certain officers in the city and county of New-York, passed December 10, 1847," be referred to a select committee consisting of the New-York delegation to report complete.

The House then resolved itself into a committee of the whole on the bill entitled "An act to repeal an act to appoint commissioners to lay out a road from Palatine bridge, in Montgomery county, through Palatine, Ephratah, Pleasant Valley, and Caroga to lands belonging to the state in the county of Fulton, passed December 10, 1847," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Perley from said committee, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to enable the trustees of the Bath Presbyterian Congregation to make certain repairs and improvements in their church," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Wilcox from said committee, reported that the committee had gone through the said bill, and agreed to the same without amendment, which report was agreed to

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to regulate the hours of labor," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Picket from said committee, reported progress and asked leave to sit again.

By unanimous consent,

Mr. Bush, from the select committee, to which was referred the bill entitled "An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to incorporate the Saugerties and Woodstock Turnpike Road company, passed April 21, 1828," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Cross from said committee reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend the charter of the Attica and Hornellsville Railroad company," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Orden from said committee, reported progress and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole, on the bill, entitled "An act further to amend 'An act to provide for the construction of a railroad from Attica to Buffalo,' passed May 3, 1836," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Glass from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend an act, entitled 'An act to incorporate the Farmers' Insurance company, of Erie county,' passed, May 14, 1845," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bowen from said committee reported progress, and asked and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend 'An act to incorporate the village of Lyons,' passed April 16, 1831," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Goff from said committee, reported that the committee had gone through said bill and agreed to the same without amendment which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.



The House then resolved itself into a committee of the whole on the bill, entitled "An act to authorise the mayor and common council of Brooklyn to create a loan for the purpose of erecting a city hall in said city," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. B. Thompson from said committee, reported that the committee had gone through said bill and agreed the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to authorise the Fultonville and Johnstown Plank Road company to erect a bridge across the Mohawk river between Fultonville and Fonda," and after some time spent thereon Mr. Speaker resumed the chair, and Mr. Kidd from said committee reported progress and asked and obtained leave to sit again.

On motion of Mr. Crispell,

*Resolved*, That "An act to incorporate the Saugerties and Woodstock Turnpike Road company, passed April 24, 1828," be referred to a select committee to report complete.

*Ordered*, That Mr. Crispell, Mr. W. S. Smith, Mr. Rose, Mr. Brewer and Mr. Noble be said committee.

And then, at 2 o'clock p. m.,

On motion of Mr. Buxton,  
The House adjourned.

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## SATURDAY, FEBRUARY 17, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Lowrey.

The minutes of yesterday were read and approved.

Mr. Carver presented the petition of sundry citizens of Rouse's Point, in Clinton co., praying for a law authorising the Northern Railroad Company to erect a bridge across Lake Champlain at Rouse's Point; also three remonstrances of sundry citizens of Clinton co. against the same, which was read and referred to the select committee on that subject.

Mr. L. Ward Smith presented four several petitions of sundry citizens of the county of Albany and the city of New-York, for a law fixing a legal day's labor at ten hours, which were read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Wheaton presented the petition of sundry citizens of Onondaga co., for a law to prohibit the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. L. Ward Smith presented the petition of sundry citizens of New-York, for a land limitation law, which was read and referred to the select committee on that subject.

Mr. L. Ward Smith presented the petition of sundry citizens of the city of New-York, for a law exempting the homestead from sale by execution, which was read and referred to the committee of the whole House when on the bill on that subject.

Mr. Disosway and Mr. H. J. Allen presented two several petitions of sundry citizens of the city of New-York, for the removal of the Quarantine from Staten Island, which were read and referred to the committee on commerce and navigation.

Mr. Cornell and Mr. Varnum presented two remonstrances of sundry citizens of New-York, against the removal of the quarantine from Staten Island, which were read and referred to the committee on commerce and navigation.

Messrs. Gove, Picket and Elderkin, presented three several petitions of sundry citizens of the county of St. Lawrence, for a law authorising the Northern Railroad Company to erect a bridge across Lake Champlain at Rouse's Point, which were read and referred to the select committee on that subject.

Mr. Speaker presented the petition of sundry inhabitants of Rensselaer co., for a law prohibiting the use of drift nets in the Hudson river, which was read and referred to the select committee on that subject.

Mr. Markel presented the petition of Platt Crosby, James Stevenson, and William H. Allen, commissioners of highways of the town of Waterloo, praying for a law to raise certain moneys by tax on that town.

On motion of Mr. Markel,

*Ordered*, That the said petition be referred to a select committee.

*Ordered*, That Mr. Markel, Mr. Stevenson and Mr. Sweet be such select committee.

Mr. Fish presented five several petitions of sundry citizens of Montgomery co., for a law authorising the Fultonville and Johnstown Plank Road Company to bridge the Mohawk river; also a remonstrance of the board of supervisors of that county against the same, which were read and referred to the committee of the whole House when on the bill upon that subject.

Mr. L. Ward Smith presented the petition of sundry citizens of the city of Rochester, for a law limiting the power of the corporation of that city in the levying of taxes, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Crispell presented the petition of sundry inhabitants of Kingston, in Ulster county, praying for an act to establish a ferry at South Rondout, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Mowry presented two several petitions of sundry inhabitants of the counties of Rensselaer and Washington, for an act declaring the public utility of a railroad from Troy to Rutland, which were read and referred to the committee on railroads.

Mr. Hale presented the petition of 200 inhabitants of the county of Wyoming, for an act declaring the public utility of a railroad from Buffalo to Hornellsville, which was read and referred to the committee on railroads.

Messrs. Noble, Glass and A. Johnson presented seven several remonstrances of sundry citizens of the counties of Chenango and Broome, against the erection of the proposed new county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Hale presented the petition of sundry inhabitants of Steuben co., for the erection of a new county from parts of Steuben and Allegany counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. McLean presented two several petitions of sundry inhabitants of North Dansville, for the erection of a new county from parts of Steuben, Allegany and Livingston counties, with the county seat at Dansville, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Danforth presented the petition of Barbary Brainard, an alien, for a law to enable her to hold and convey real estate, which was read and referred to the committee on the petitions of aliens.

Mr. Bagley presented the petition of Sylvester Reed, for a law confirming his official acts as a justice of the peace for the town of Brownsville, which was read and referred to the committee on the judiciary.

Mr. Bagley presented the petition of the supervisors of Jefferson co., for a law authorising the election of separate officers to perform the duties of county judge and of surrogate in that county, which was read and referred to the committee on the judiciary.

Mr. Pruyn presented the petition of sundry citizens of Montgomery co., for an amendment of the constitution, abolishing all distinction of voters in respect to color or complexion, which was read and referred to the committee on the judiciary.

Mr. Beekman presented the memorial of the University of the city of New-York, for aid from the funds of the state, which was read.

On motion of Mr. Beekman,

*Ordered*, That said memorial be referred to the committee of the whole having in charge the appropriation bill for colleges.

Mr. Bagley presented the memorial of the owners of hydraulic privileges on the Black river, in the county of Jefferson, remonstrating against any diversion of the waters of that river for state purposes, which was read and referred to the committee on canals.

Mr. Campbell presented the remonstrance of the Atlantic Mutual Insurance Company, the Sun Mutual Insurance Company, the Union Mutual Insurance Company, the General Mutual Insurance Company, and other mutual insurance companies of the city of New-York, against the removal of the quarantine establishment from its present location, which was read and referred to the committee on commerce and navigation.

Mr. Bagley presented the petition of the Jefferson County Institute for an amendment of their charter, which was read and referred to the committee on colleges, academies and common schools.

Mr. Bagley presented the petition of sundry inhabitants of Watertown, for an act to incorporate the Watertown water works company, which was read and referred to the committee on trade and manufactures.

Mr. Bagley presented the petition of sundry inhabitants of Watertown, for an act authorising the sale or removal of the state arsenal in that village, which was read and referred to the committee on militia and public defence.

Mr. L. Ward Smith presented the petition of sundry inhabitants of the village of Cohoes, for a law to prevent convict labor coming into competition with the labor of mechanics, which was read and referred to the committee on state prisons.

Mr. Pruyn presented the petition of St. Johns College, in Westchester county, for a further appropriation, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bailey presented two several petitions of sundry citizens of the county of Greene, for a law to amend the charter of the Cairo Bridge Company, so as to prevent them from collecting full toll in certain cases, which were read and referred to the committee on roads and bridges.

Mr. Bagley presented the petition of sundry inhabitants of the town of Brownville, for a law to authorise said town to raise money to build a bridge across Black river, which was read and referred to the committee on roads and bridges.

Mr. Hale presented the remonstrance of sundry citizens of Dansville, against any law requiring par-redemption in New-York or Albany, which was read and referred to the committee on banks and insurance companies.

Mr. Young presented the remonstrance of sundry inhabitants of Randolph, in Cattaraugus county, against any law taxing their town for the purpose of repairing the stage road from Gowanda to Jamestown, which was read and referred to the committee on roads and bridges.

Mr. Bagley presented the petition of sundry inhabitants of Jefferson co., for a law to drain certain lands in the counties of Jefferson and St. Lawrence, which was read and referred to the committee on roads and bridges.

Mr. L. Butts presented the petition of sundry inhabitants of the county of Delaware, praying for an act to stay the collection of rents until the question of title is settled, which was read and laid on the table.

Mr. L. Ward Smith, from the committee on grievances, to which was referred the engrossed bill from the Senate, entitled "An act authorising the payment of a sum of money to John Camerton for giving information of an escheat," reported that the committee had

examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. W. S. Smith, from the committee on ways and means, to which was referred the petition of Asa Baxter for compensation for lands taken by the state under the treaty of Ghent," reported and asked to be discharged from the further consideration of the said petition, and that the same be referred to the committee on public land.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Mowry from the committee on railroads to which was referred the bill, entitled "An act to amend an act entitled 'An act to authorise the formation of railroad companies with regard to the badges of office,'" reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Cornell, from the committee on the judiciary, to which was referred the bill, entitled "An act to amend article 3, of title 1, of chapter 8, of part 2, of the Revised Statutes, entitled 'of divorces dissolving the marriage contract,'" reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Mowry from the committee on railroads to which was referred the petition of inhabitants of Washington and Rensselaer counties, for a railroad from Troy to intersect the Rutland and Washington Railroad, reported and asked and obtained leave to introduce a bill, entitled "An act to declare the public utility of a railroad from Troy to the State line of Vermont," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. W. S. Smith, from the committee on ways and means, to which was referred the bill, entitled "An act making appropriations for the support in part of the Orphan Asylums, of the cities of Albany and Troy," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. McLean, from the committee on claims, to which was referred the petition of Whiting Tuttle, Peter Edwin and A. G. Willard for compensation for damages sustained by a breach in the canal feeder at Brownville, reported, and asked and obtained leave to introduce a bill, entitled "An act for the appraisal and payment of canal damages to Whiting Tuttle, Peter Edwin and A. G. Willard," which was read

the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Hale from the committee on claims to which was referred the petition of Daniel Cornell and Ransom Clark to refund certain expenses incurred by the commissioners of highways of the town of Guilford, Chenango co., reported, and asked and obtained leave to introduce a bill, entitled "An act to refund to Daniel Cornell and Ransom Clark certain costs and expenses, incurred by them as commissioners of highways of the town of Guilford, Chenango county," which was read the first time and by unanimous consent was also read a second time.

On motion of Mr. A. Johnson,

*Ordered*, That the said bill be recommitted to the committee on claims.

Mr. Noble from the committee on grievances to which was referred the petition of Oscar Granger and Walter S. Todd for a law directing the commissioners of the canal fund to settle with and pay them for services rendered the State, reported, and asked and obtained leave to introduce a bill entitled "An act to provide for the settlement of the claim of Oscar Granger and Walter S. Todd," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole House.

Mr. Slocum, from the committee on the manufacture of salt, to which was referred the petition of sundry inhabitants of Syracuse, for a law authorising the commissioners of the land office to sell certain lands belonging to the people of this state, and for the purchase of other lands, reported, and asked, and obtained leave to bring in a bill entitled "An act to provide for the sale of certain lands belonging to the people of this state, and the purchase of other lands for salt manufacturing purposes," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Slocum,

*Ordered*, That the said bill be referred to the commissioners of the land office.

Mr. Crispell from the select committee, to which was referred the bill entitled "An act to amend an act to incorporate the Saugerties and Woodstock Turnpike Road Company, passed April 12, 1828," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Rose, from the select committee, to which was referred the bill entitled "An act to aid in the dissemination of agricultural science," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Cross from the committee on the incorporation of cities of villages to which was referred the petition of the common council of the city of Brooklyn, for a law to authorise said city to loan money

to supply said city with water, reported, and asked, and obtained leave to bring in a bill entitled "An act to provide for supplying the city of Brooklyn with water for the extinguishment of fires and for the use of its inhabitants," which was read the first time, and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. B. Thompson from the select committee to which was referred the bill entitled "An act to make the clerk's office of Erie county a salaried office," to report complete, reported that the committee had gone through said bill, agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading. I

Mr. Bellinger, from the select committee, to which was referred the bill entitled "An act to authorise the trustees of school district No. 1, in the town of German Flatts, to borrow money to build a school house," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Elderkin from the select committee to which was referred the bill entitled "An act to authorise the construction of a plank road in the town of Canton," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows to wit:

"An act to amend the act to consolidate and amend the charter of the village of Watertown."

"An act to amend an act to incorporate the village of Lyons, passed April 16, 1831."

"An act to erect the town of Shongo from the towns of Independence and Scio, in the county of Allegany."

"An act further to amend an act to provide for the construction of a railroad from Attica to Buffalo, passed May 3, 1836."

"An act to repeal an act to appoint commissioners to lay out a road from Palatine bridge, in Montgomery county, through Palatine, Ephratah, Pleasant Valley and Caroga to lands belonging to the state in the county of Fulton, passed Dec. 10, 1847."

"An act to enable the trustees of the Bath Presbyterian Congregation to make certain repairs and improvements in their church."

"An act to authorise the mayor and common council of the city of Brooklyn to create a loan for the purpose of erecting a city hall in said city."

"An act to amend an act to incorporate the East River Savings Institution, passed April 11, 1848."

And found the same correctly engrossed.

*Ordered*, That the said bills be read a third time.

The annual report of the Bank for Savings in the city of New-York, was received and referred to the committee on banks and insurance companies.

A communication from the Comptroller in answer to a resolution of this House of Feb. 13, giving his opinion on the bill entitled "An act to remunerate Jonathan W. Davis, for losses from failure of title to certain lands in Essex county, sold by the Comptroller at the tax sale of 1839," was received and laid upon the table.

(See Doc. No. 98.)

A communication from the Comptroller in answer to a resolution of this House of Feb. 14, in relation to the monies drawn from the treasury by Chauncey Smith, late agent of the Sing Sing prison, was received and referred to the committee on state prisons.

(See Doc. No. 99.)

The engrossed bill, entitled "An act to enable the trustees of the Bath Presbyterian Congregation to make certain repairs and improvements in their church," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 76 }  
{ NAYS 04 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Glass	Mr. A. Robertson
Mr. Bagley	Mr. Gove	Mr. W. H. Robertson
Mr. Bailey	Mr. Green	Mr. Rouseville
Mr. Barber	Mr. Guernsey	Mr. Slocum
Mr. Beekman	Mr. Hale	Mr. Smalley
Mr. Bellinger	Mr. A. Johnson	Mr. W. S. Smith
Mr. Boardman	Mr. M. Johnson	Mr. Speaker
Mr. Bogart	Mr. Kelsey	Mr. Stevens
Mr. Boughton	Mr. Kennedy	Mr. Stevenson
Mr. Boyce	Mr. Kidd	Mr. Strever
Mr. Brewer	Mr. Leavenworth	Mr. Stryker
Mr. Bull	Mr. McKinney	Mr. Taylor
Mr. Bush	Mr. McLean	Mr. Terry
Mr. L. Butts	Mr. Markel	Mr. A. Tuttle
Mr. W. Butts	Mr. Miller	Mr. Van Orden
Mr. Campbell	Mr. Moffatt	Mr. Varnum
Mr. Carver	Mr. Nash	Mr. Ward
Mr. Clark	Mr. Noble	Mr. Wells
Mr. Cornell	Mr. Pardee	Mr. Wheaton
Mr. Crispell	Mr. Picket	Mr. White
Mr. Cross	Mr. Pierce	Mr. Willard
Mr. Elderkin	Mr. Prescott	Mr. Wilcox



Mr. Elwood  
Mr. Fish  
Mr. Fiske  
Mr. A. Gilbert

Mr. Pruyn  
Mr. Richards  
Mr. Roblee

Mr. Wing  
Mr. Wisewell  
Mr. Young

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Those who voted in the negative are,

Mr. Crittenden  
Mr. Fitzhugh

Mr. Hart

Mr. Rose

4

Ordered, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act further to amend an act to provide for the construction of a railroad from Attica to Buffalo, passed May 3, 1836," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 83 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen  
Mr. Bagley  
Mr. Bailey  
Mr. Barber  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Bogart  
Mr. Boughton  
Mr. Boyce  
Mr. Brewer  
Mr. Bull  
Mr. Bush  
Mr. L. Butts  
Mr. W. Butts  
Mr. Campbell  
Mr. Carver  
Mr. Clark  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Danforth  
Mr. Elderkin  
Mr. Elwood  
Mr. Fish  
Mr. Fiske  
Mr. Fitzhugh

Mr. A. Gilbert  
Mr. Glass  
Mr. Gove  
Mr. Green  
Mr. Guernsey  
Mr. Hale  
Mr. Hart  
Mr. A. Johnson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. Leavenworth  
Mr. McKinney  
Mr. McLan  
Mr. Markel  
Mr. Miller  
Mr. Moffatt  
Mr. Nash  
Mr. Noble  
Mr. Pardee  
Mr. Picket  
Mr. Pierce  
Mr. Prescott  
Mr. Pruyn  
Mr. Richards  
Mr. Roblee  
Mr. A. Robertson

Mr. W. H. Robertson  
Mr. Rose  
Mr. Rounseville  
Mr. Slocum  
Mr. Smalley  
Mr. W. S. Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stevenson  
Mr. Strever  
Mr. Stryker  
Mr. Sweet  
Mr. Taylor  
Mr. Terry  
Mr. B. Thompson  
Mr. A. Tuttle  
Mr. Van Orden  
Mr. Varnum  
Mr. Ward  
Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Willard  
Mr. Wilcox  
Mr. Wing  
Mr. Wisewell  
Mr. Young

83

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act to incorporate the East River Savings Institution, passed April 11, 1848," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 80 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Glass	Mr. W. H. Robertson
Mr. Bagley	Mr. Gove	Mr. Rose
Mr. Barber	Mr. Green	Mr. Rounseville
Mr. Beekman	Mr. Guernsey	Mr. Slocum
Mr. Bellingher	Mr. Hale	Mr. Smalley
Mr. Boardman	Mr. Hart	Mr. W. S. Smith
Mr. Bogart	Mr. A. Johnson	Mr. Speaker
Mr. Boughton	Mr. M. Johnson	Mr. Stevens
Mr. Boyce	Mr. Kennedy	Mr. Stevenson
Mr. Brewer	Mr. Kidd	Mr. Strever
Mr. Bull	Mr. Leavenworth	Mr. Stryker
Mr. Bush	Mr. McKinney	Mr. Sweet
Mr. L. Butts	Mr. McLean	Mr. Terry
Mr. W. Butts	Mr. Markel	Mr. B. Thompson
Mr. Campbell	Mr. Miller	Mr. A. Tuttle
Mr. Carver	Mr. Moffatt	Mr. Van Orden
Mr. Clark	Mr. Nash	Mr. Varnum
Mr. Cornell	Mr. Noble	Mr. Ward
Mr. Crispell	Mr. Pardee	Mr. Wells
Mr. Crittenden	Mr. Perley	Mr. Wheaton
Mr. Danforth	Mr. Picket	Mr. White
Mr. Elderkin	Mr. Pierce	Mr. Willard
Mr. Elwood	Mr. Prescott	Mr. Wilcox
Mr. Fish	Mr. Pruyn	Mr. Wing
Mr. Fiske	Mr. Richards	Mr. Wisewell
Mr. Fitzhugh	Mr. Roblee	Mr. Young
Mr. A. Gilbert	Mr. A. Robertson	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to amend the act to consolidate and amend the charter of the village of Watertown," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 82 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Gove	Mr. W. H. Robertson
Mr. Bagley	Mr. Green	Mr. Rose
Mr. Barber	Mr. Guernsey	Mr. Rounseville
Mr. Beekman	Mr. Hale	Mr. Slocum
Mr. Bellinger	Mr. Hart	Mr. Smalley
Mr. Boardman	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bogart	Mr. M. Johnson	Mr. Speaker
Mr. Boyce	Mr. Kennedy	Mr. Stevens
Mr. Brewer	Mr. Kidd	Mr. Stevenson
Mr. Bull	Mr. Leavenworth	Mr. Strever
Mr. Bush	Mr. McKinney	Mr. Stryker
Mr. L. Butts	Mr. McLean	Mr. Sweet
Mr. W. Butts	Mr. Maine	Mr. Taylor
Mr. Campbell	Mr. Miller	Mr. Terry
Mr. Carver	Mr. Moffatt	Mr. B. Thompson
Mr. Clark	Mr. Mowry	Mr. A. Tuttle
Mr. Cornell	Mr. Nash	Mr. Van Orden
Mr. Crispell	Mr. Noble	Mr. Varnum
Mr. Crittenden	Mr. Pardee	Mr. Ward
Mr. Cross	Mr. Perley	Mr. Wells
Mr. Danforth	Mr. Picket	Mr. Wheaton
Mr. Elderkin	Mr. Pierce	Mr. White
Mr. Elwood	Mr. Prescott	Mr. Willard
Mr. Fish	Mr. Pruyn	Mr. Wilcox
Mr. Fiske	Mr. Richards	Mr. Wing
Mr. Fitzhugh	Mr. Roblee	Mr. Wisewell
Mr. A. Gilbert	Mr. A. Robertson	Mr. Young
Mr. Glass		

82

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to amend an act to incorporate the village of Lyons, passed April 16, 1831," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 82 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Guernsey	Mr. Rose
Mr. Barber	Mr. Hale	Mr. Rounseville
Mr. Beekman	Mr. Hart	Mr. Slocum
Mr. Bellinger	Mr. A. Johnson	Mr. Smalley

Mr. Boardman	Mr. M. Johnson	Mr. W. S. Smith
Mr. Bogart	Mr. Kelsey	Mr. Speaker
Mr. Boyce	Mr. Kennedy	Mr. Stevens
Mr. Brewer	Mr. Kidd	Mr. Stevenson
Mr. Bull	Mr. Leavenworth	Mr. Strever
Mr. Bush	Mr. McKinney	Mr. Stryker
Mr. L. Butts	Mr. McLean	Mr. Sweet
Mr. W. Butts	Mr. Markel	Mr. Taylor
Mr. Campbell	Mr. Miller	Mr. Terry
Mr. Carver	Mr. Moffatt	Mr. B. Thompson
Mr. Clark	Mr. Mowry	Mr. A. Tuttle
Mr. Cornell	Mr. Nash	Mr. Van Orden
Mr. Crispell	Mr. Noble	Mr. Varnum
Mr. Crittenden	Mr. Pardee	Mr. Ward
Mr. Cross	Mr. Perley	Mr. Wells
Mr. Danforth	Mr. Picket	Mr. Wheaton
Mr. Elderkin	Mr. Pierce	Mr. White
Mr. Elwood	Mr. Prescott	Mr. Willard
Mr. Fish	Mr. Pruyn	Mr. Wilcox
Mr. Fiske	Mr. Richards	Mr. Wing
Mr. A. Gilbert	Mr. Roblee	Mr. Wisewell
Mr. Glass	Mr. A. Robertson	Mr. Young
Mr. Gove		

82

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to authorise the mayor and common council of the city of Brooklyn to create a loan for the purpose of erecting a city hall in said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 79 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Gove	Mr. Rose
Mr. Bagley	Mr. Green	Mr. Rounseville
Mr. Barber	Mr. Guernsey	Mr. Slocum
Mr. Beekman	Mr. Hale	Mr. L. Ward Smith
Mr. Bellinger	Mr. Hart	Mr. W. S. Smith
Mr. Boardman	Mr. A. Johnson	Mr. Speaker
Mr. Bogart	Mr. M. Johnson	Mr. Stevens
Mr. Boyce	Mr. Kelsey	Mr. Stevenson
Mr. Brewer	Mr. Kennedy	Mr. Strever
Mr. Bull	Mr. Kidd	Mr. Stryker
Mr. Bush	Mr. Leavenworth	Mr. Sweet
Mr. L. Butts	Mr. McKinney	Mr. Taylor

Mr. W. Butts	Mr. McLean	Mr. Terry
Mr. Campbell	Mr. Markel	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. Van Orden
Mr. Cornell	Mr. Mowry	Mr. Varnum
Mr. Crispell	Mr. Noble	Mr. Ward
Mr. Crittenden	Mr. Pardee	Mr. Wells
Mr. Cross	Mr. Perley	Mr. Wheaton
Mr. Danforth	Mr. Pickett	Mr. White
Mr. Elderkin	Mr. Pierce	Mr. Willard
Mr. Elwood	Mr. Prescott	Mr. Wilcox
Mr. Fish	Mr. Richards	Mr. Wing
Mr. Fiske	Mr. Roblee	Mr. Wisewell
Mr. A. Gilbert	Mr. W. H. Robertson	Mr. Young
Mr. Glass		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to repeal an act to appoint commissioners to lay out a road from Palatine bridge, in Montgomery county, through Palatine, Ephratah, Pleasant Valley, and Caroga to lands belonging to the state in the county of Fulton, passed December 10, 1847," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 79 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Guernsey	Mr. Rose
Mr. Barber	Mr. Hale	Mr. Rounseville
Mr. Beekman	Mr. Hart	Mr. Slocum
Mr. Bellinger	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Boardman	Mr. M. Johnson	Mr. W. S. Smith
Mr. Bogart	Mr. Kelsey	Mr. Speaker
Mr. Boughton	Mr. Kennedy	Mr. Stevens
Mr. Boyce	Mr. Kidd	Mr. Stevenson
Mr. Brewer	Mr. Leavenworth	Mr. Strever
Mr. Bull	Mr. McKinney	Mr. Stryker
Mr. Bush	Mr. McLean	Mr. Sweet
Mr. W. Butts	Mr. Markel	Mr. Taylor
Mr. Campbell	Mr. Miller	Mr. Terry
Mr. Carver	Mr. Moffatt	Mr. B. Thompson
Mr. Clark	Mr. Mowry	Mr. A. Tuttle
Mr. Cornell	Mr. Noble	Mr. Van Orden
Mr. Crispell	Mr. Pardee	Mr. Varnum
Mr. Crittenden	Mr. Perley	Mr. Ward

Mr. Cross	Mr. Picket	Mr. Wells
Mr. Danforth	Mr. Pierce	Mr. Wheaton
Mr. Elderkin	Mr. Porter	Mr. Willard
Mr. Fish	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. Pruyn	Mr. Wing
Mr. Fitzhugh	Mr. Richards	Mr. Wisewell
Mr. A. Gilbert	Mr. Roblee	Mr. Young
Mr. Glass		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to erect the town of Shongo from the towns of Independence and Scio, in the county of Allegany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, as follows:

{ AYES 52 }  
{ NAYS 16 }

Those who voted in the affirmative are,

Mr. Bagley	Mr. Guernsey	Mr. W. H. Robertson
Mr. Barber	Mr. Hart	Mr. Rose
Mr. Beekman	Mr. A. Johnson	Mr. Rouseville
Mr. Bellinger	Mr. M. Johnson	Mr. Slocum
Mr. Boyce	Mr. Kennedy	Mr. Speaker
Mr. Bush	Mr. Kidd	Mr. Stevenson
Mr. W. Butts	Mr. Leavenworth	Mr. Strever
Mr. Carver	Mr. McKinney	Mr. Stryker
Mr. Clark	Mr. McLean	Mr. Sweet
Mr. Crispell	Mr. Markel	Mr. B. Thompson
Mr. Crittenden	Mr. Miller	Mr. Van Orden
Mr. Cross	Mr. Moffatt	Mr. Varnum
Mr. Danforth	Mr. Mowry	Mr. Wells
Mr. Fish	Mr. Perley	Mr. Wheaton
Mr. Fitzhugh	Mr. Pierce	Mr. Willard
Mr. A. Gilbert	Mr. Prescott	Mr. Wing
Mr. Glass	Mr. Pruyn	Mr. Young
Mr. Green		

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Noble	Mr. Taylor
Mr. Bogart	Mr. Picket	Mr. Terry
Mr. Brewer	Mr. Roblee	Mr. A. Tuttle
Mr. L. Butts	Mr. L. Ward Smith	Mr. Ward
Mr. Cornell	Mr. Stevens	Mr. Wilcox
Mr. Gove		

16

Mr. Cornell moved the House reconsider its vote on the final passage of said bill.

On motion of Mr. Noble,

*Ordered*, That the said motion be laid on the table.

On motion of Mr. Pruyn, and by unanimous consent,

*Resolved*, That the engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act for filling vacancies in office,' passed Feb. 3, 1849," be ordered to a third reading.

The said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 84 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Glass	Mr. W. H. Robertson
Mr. Bagley	Mr. Gove	Mr. Rose
Mr. Bailey	Mr. Green	Mr. Rounseville
Mr. Barber	Mr. Guernsey	Mr. Slocum
Mr. Beekman	Mr. Hale	Mr. Smalley
Mr. Bellinger	Mr. Hart	Mr. L. Ward Smith
Mr. Boardman	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bogart	Mr. M. Johnson	Mr. Speaker
Mr. Boughton	Mr. Kelsey	Mr. Stevens
Mr. Boyce	Mr. Kennedy	Mr. Stevenson
Mr. Brewer	Mr. Kidd	Mr. Strever
Mr. Bull	Mr. Leavenworth	Mr. Stryker
Mr. Bush	Mr. McKinney	Mr. Sweet
Mr. L. Butts	Mr. McLean	Mr. Taylor
Mr. W. Butts	Mr. Markel	Mr. Terry
Mr. Campbell	Mr. Miller	Mr. B. Thompson
Mr. Carver	Mr. Moffatt	Mr. A. Tuttle
Mr. Clark	Mr. Nash	Mr. Van Orden
Mr. Cornell	Mr. Noble	Mr. Varnum
Mr. Crispell	Mr. Pardee	Mr. Ward
Mr. Crittenden	Mr. Perley	Mr. Wells
Mr. Cross	Mr. Picket	Mr. Wheaton
Mr. Elderkin	Mr. Pierce	Mr. White
Mr. Elwood	Mr. Prescott	Mr. Willard
Mr. Fish	Mr. Pruyn	Mr. Wilcox
Mr. Fiske	Mr. Richards	Mr. Wing
Mr. Fitzhugh	Mr. Roblee	Mr. Wisewell
Mr. A. Gilbert	Mr. A. Robertson	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

On motion of Mr. Taylor,

*Resolved*, That the petition and papers relating to the claim of Peter McEntee for compensation for giving information of an escheat be taken from the committee on claims and referred to the committee on grievances.

On motion of Mr. McLean,

*Resolved*, That the committee on claims be discharged from the further consideration of the bill for the benefit of certain purchasers of lands acquired by treaty from the Stockbridge Indians, and that the same be referred to a select committee to report thereon.

*Ordered*, That Mr. A. Johnson, Mr. A. Tuttle and Mr. Noble be such select committee.

Mr. Bailey gave notice that he would ask leave at some early day to introduce a bill to amend the charter of the Cairo Bridge company, relative to tolls.

On motion of Mr. Rose,

*Resolved*, That the bill, entitled "An act to amend an act for the organization of the First Division of the New-York militia, passed May 6, 1847," be taken from the committee of the whole House and recommended to the committee on the militia and public defence.

On motion of Mr. Markel,

*Resolved*, That the petition of Henry Shankeviler and George Neap on the files of this House, be taken therefrom and referred to the committee on the judiciary.

Mr. Beekman gave notice that he would ask leave at an early day to introduce a bill to provide for the erection of a fire proof building for the State library.

Mr. Pruyn gave notice that he would at an early day ask leave to introduce a bill to discontinue the Clinton State prison and to convert the building used therefor into an asylum for the support and education of idiots.

Mr. Pruyn gave notice that he would at an early day ask leave to introduce a bill to protect laborers on railroads.

On motion of Mr. Bagley,

*Resolved*, That the Commissary General be requested to report to this House the number of Arsenals belonging to this State, the places of their location, the condition of the buildings, when the same were erected, the number of stands of arms and other property belonging to this State in each, the condition of such arms and how many are fit for service, the expenses that have been incurred at each arsenal since its erection, and his opinion of the propriety of erecting new buildings and of having all the arms belonging to the State deposited at one place.

In pursuance of previous notice Mr. Pruyn asked for and obtained leave to bring in a bill entitled "An act to amend the act, entitled 'An act to provide for the incorporation of villages,' passed Dec. 7, 1847, so far as relates to the village of Cohoes," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the incorporation of cities and villages.



In pursuance of previous notice Mr. Disosway asked for and obtained leave to introduce a bill, entitled "An act to change the location of the Marine Hospital," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice Mr. B. Thompson asked for and obtained leave to introduce a bill, entitled "An act to incorporate the Alliance Mutual Insurance company of Buffalo," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice Mr. McLean asked for and obtained leave to introduce a bill, entitled "An act to provide for the appointment of a railroad commissioner," which was read the first time, and by unanimous consent was also read the second time and referred to the committee on railroads.

Leave of absence was granted to Mr. Goff for four days, and to Mr. Whittaker for ten days.

Mr. Pardee offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the Constitutional questions arising from the petitions for the erection of the new counties of Patterson and Unadilla, from parts of different Senate districts and parts of different Assembly districts, be referred (with such petitions) to the committee on the judiciary, to report to this House, as early as practicable, whether such territory can be formed into a new county without infringing upon some provisions of the Constitution; and, also, whether a new county can be erected from such territory for judicial purposes only, and carried into practical effect without such infringement upon the Constitution.

Mr. Sweet moved to amend the said resolution by striking out the "committee on the judiciary," and inserting instead thereof "Attorney General."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Sweet, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to the said resolution, as amended, and it was determined in the affirmative.

On motion of Mr. Hale,

The House then resolved itself into a committee of the whole on the concurrent resolution for the presentation of a sword to Lieut. Col. William Wallace Smith Bliss, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Wisewell from said committee, reported progress, and asked for and obtained leave to sit again.

On motion of Mr. Pruyn, and by unanimous consent,

*Resolved*, (if the Senate concur,) That the Houses of Assembly and Senate will this day, at one o'clock p. m., each proceed to nominate a person to fill the vacancy which will exist in the office of

Comptroller on the 20th instant, by reason of the resignation of Millard Fillmore, to take effect that day.

*Ordered*, That the Clerk deliver the said resolution to the Senate and request their concurrence in the same.

A message from the Senate was received and read, informing that they had passed the resolution in relation to the election of Comptroller, and amended the same so as to read as follows, to wit :

*Resolved*, (if the Senate concur,) That the House of Assembly and Senate will meet this day, at one o'clock p. m., in the Assembly chamber, to appoint by joint ballot a person to fill the vacancy which will exist on the 20th instant by reason of the resignation of Millard Fillmore, to take effect that day.

Mr. Pruyn moved that the House concur in the said amendment of the Senate.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

*Ordered*, That the Clerk return the said resolution to the Senate, and inform them that the Assembly have concurred in said amendment, and amended the same accordingly.

The House then again resolved itself into a committee of the whole on the concurrent resolution for the presentation of a sword to Lieut. Col. Wm. Wallace Smith Bliss, and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Wisewell from said committee, reported progress and asked leave to sit again.

Mr. Noble moved to refer the said resolution to the committee on the militia and public defence to enquire into the specific services rendered by Col. Bliss, for the information of this House, that his services may be more appreciated and the gratitude of this House be more understandingly exercised ; and also, to investigate the claims of other officers and report their merits to our consideration ; and also, to inquire the birth place of officers whose claims are presented ; and also, the expense of proper swords, and also of medals of an appropriate character.

Debate was had thereon, when

The hour of one o'clock having arrived, in pursuance of the statute in such case made and provided, and of a concurrent resolution of the two Houses, the Senate attended in the Assembly chamber, and proceeded to elect by ballot a person to fill the vacancy which will occur in the office of Comptroller on the 20th inst., occasioned by the resignation of Millard Fillmore, and the ballots having been taken and counted, it appeared that Washington Hunt received 89 votes, Charles A. Mann received 15 votes, Nathan Dayton received 7 votes, and William S. Johnson received 1 vote.

Whereupon,

Washington Hunt having received a majority of all the votes cast was declared duly elected Comptroller in place of Millard Fillmore resigned.

The Senate then withdrew from the Assembly chamber.

The House then proceeded to the consideration of the concurrent

resolution for the presentation of a sword to Lieut. Col. Bliss, and the question being upon the motion of Mr. Noble to refer the said resolution to the committee on militia and public defence.

Debate was had thereon, when

Mr. Noble withdrew his said motion.

Debate was then had on said resolution and pending the consideration thereof.

On motion of Mr. Fiske,

At 2 o'clock, p. m., the House adjourned.

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## MONDAY, FEBRUARY 19, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Martin.

The minutes of Saturday were read and approved.

Mr. Woodruff presented the petition of sundry inhabitants of Sparta and North Dansville, in the county of Livingston, for a law to annex a part of the town of Sparta to the town of North Dansville, which was read and referred to the committee on the erection and division of towns and counties.

Mr. L. Ward Smith presented the memorial of Chester Dewey, against the employment of engineers and contractors on the canals on the Sabbath, which was read and referred to the committee on canals.

Mr. Averill presented the petition of John W. Hawn, for a law authorising the erection of a farm bridge over the Erie canal on his farm in Montgomery co., which was read and referred to the committee on canals.

Mr. W. S. Smith presented two several petitions of the Flushing Female Association and sundry citizens of that town, for an appropriation to support the school for colored children in that town, which were read and referred to the committee on colleges, academies and common schools.

Mr. W. S. Smith presented four several petitions of sundry residents of Long Island, for an extension of the act to authorise trials of speed of horses in Queens county, which were read and referred to the committee on agriculture.

Mr. Crispell presented five several remonstrances of sundry inhabitants of Ulster co., against any law prohibiting the use of drift nets in the Hudson river, which were read and referred to the select committee on that subject.

Messrs. Speaker, Disosway, Fish and W. H. Robertson presented four several petitions of sundry inhabitants of the counties of Rensselaer, Richmond, Montgomery and Westchester, for the establishment of free schools throughout the state, which were read and referred to the committee on colleges, academies and common schools.

Mr. Woodruff presented two remonstrances of sundry citizens of Dansville, against the establishment of a free union school in that village, and for the establishment of free schools throughout the state, which were read and referred to the committee on colleges, academies and common schools.

Mr. Richards presented the petition of sundry inhabitants of Wyoming county, for a law limiting the quantity of land hereafter to be acquired by any one individual and exempting the homestead from sale by execution, which was read and referred to the select committee on that subject.

Messrs. Gove, Picket and Elderkin, presented three several petitions of sundry inhabitants of Franklin and St. Lawrence counties, for a law authorising the Northern Railroad Company to erect a bridge across Lake Champlain at Rouse's Point, which were read and referred to the select committee on that subject.

Mr. Carver presented three several remonstrances of sundry citizens of Clinton co., against authorising the Northern Railroad Company to bridge Lake Champlain at Rouse's Point, which were read and referred to the select committee on that subject.

Mr. A. Robertson presented two several petitions of sundry inhabitants of the counties of Washington, Warren and Saratoga, for an aqueduct across the Hudson river near the Fort Miller dam, which were read and referred to the committee on canals.

Mr. Noble presented three remonstrances of sundry citizens of Chenango and Delaware counties, against the erection of the proposed new county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Speaker presented the petition of Major Jacobs, sachem and head chief of the Cayuga Indians, and other chiefs at Grand river, for relief, which was read and referred to the committee on indian affairs.

Mr. Elwood presented the petition of sundry citizens of Rome, in Oneida co., for a law limiting the hours of labor, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Elderkin presented the remonstrance of sundry inhabitants of St. Lawrence co., against annexing a part of the town of Louisville to the town of Massena, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Mowry presented the petition of sundry inhabitants of Washington co., for an act declaring the public utility of a railroad from Troy to the state line of Vermont, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Markel presented the remonstrance of sundry citizens of Seneca, against the division of the town of Covert in that county and annexing a part thereof to the county of Tompkins, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Boardman presented the resolutions of the board of supervisors of Allegany county, against any division or alteration of the

boundaries of said county, which were read and referred to the committee on the erection and division of towns and counties.

Mr. A. Gilbert presented the petition of Mary A. Hawkins and others, for an act of incorporation of the mariner's family industrial society of the port of New-York, which was read and referred to the committee on charitable and religious societies.

Mr. M. Johnson presented the petition of sundry inhabitants of Niagara co., against a law requiring par redemption in the city of New-York, which was read and referred to the committee on banks and insurance companies.

Mr. Willard presented the petition of Samuel Handford and others, inhabitants of the town of Friendship, in the county of Allegany, for the appointment of a special guardian for Sarah Church, an infant, which was read and referred to the committee on the judiciary.

Mr. Hale, from the committee on claims, to which was referred the bill, entitled "An act to pay the heirs at law of Conrad Brown, deceased, for losses sustained during the revolutionary war," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, and the title amended so as to read "An act to pay Marcus Brown, son and heir at law of Conrad Brown, deceased, for property taken during the revolutionary war for the support of the army," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Sweet, from the committee on ways and means, to which was referred the engrossed bill from the Senate, entitled "An act to provide for the completion of the Normal School building," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Sweet from the committee on ways and means, to which was referred so much of the message of the Governor as relates to the expenses of Government, reported and asked and obtained leave to introduce a bill, entitled "An act to provide for the payment of certain select committees of the Legislature of 1848," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Sweet from the committee on the judiciary, to which was referred the bill, entitled "An act for the election of certain officers in the city of Troy, and to regulate the police of said city," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Brewer from the committee on state prisons, to which was referred so much of the annual message of the Governor as relates to state prisons, reported and asked and obtained leave to introduce a bill, entitled "An act in relation to Sing Sing prison," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Brewer from the committee on state prisons to which was referred the petition of mechanics of the city of Albany for a repeal of the law permitting the cutting of stone in the state prisons of this State, reported and asked and obtained leave to introduce a bill, entitled "An act prohibiting the convicts in the Sing Sing State prison from being employed in the cutting and manufacturing of stone," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Brewer from the committee on state prisons to which was referred so much of the message of the Governor as relates to state prisons, reported and asked and obtained leave to introduce a bill, entitled "An act making appropriations for the Clinton prison," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Brewer from the committee on state prisons to which was referred so much of the message of the Governor as relates to state prisons, reported and asked and obtained leave to introduce a bill, entitled "An act in relation to county prisons," which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Hale from the committee on claims to which was referred the petition of John Copeland for damages sustained by the raising of the mud lock on section eight on the Erie canal, reported and asked and obtained leave to introduce a bill, entitled "An act authorising the appraisal and payment of canal damages to John Copeland," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole House.

(See Doc. No. 105.)

Mr. Hale from the committee on claims to which was referred the petition of Phineas Richardson and David Gross, for a law allowing them interest on an award made by the Canal Board, reported against the prayer of the petitioners and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Mowry from the committee on railroads to which was referred the petition of sundry inhabitants of Erie and Allegany counties, for a law to declare the public utility of a railroad from Buffalo to Hornellsville, reported against the prayer of the petitioners.

(See Doc. No. 101.)

*Ordered*, That the said report be referred to the committee of the whole when on the bill entitled "An act to amend the charter of the Attica and Hornellsville railroad."



Mr. Stevenson from the committee on charitable and religious societies, to which was referred the bill entitled "An act for the removal of the Hallenbeck burying ground situate in the city of Albany," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of New Paltz, in Ulster co., for a law to drain the Springtown swamp, reported, and asked, and obtained leave to bring in a bill, entitled "An act to drain the Springtown swamp in the town of New Paltz, in the county of Ulster," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. McLean, from the committee on claims, to which was referred the petition of Ebenezer Prescott, for damages sustained by the construction of the Erie canal, reported against the prayer of the petitioner and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Elderkin from the committee on state prisons, to which was referred the petition of sundry inhabitants of Cohoes, to prevent convict labor competing with the labor of mechanics, reported, and asked to be discharged from the further consideration of said petition.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Elderkin, from the committee on state prisons, to which was referred so much of the Governor's message as relates to state prisons, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act to incorporate the prison association of New-York, passed May 9, 1846," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Elderkin, from the committee on state prisons, to which was referred the bill entitled "An act to authorise the inspectors of state prisons to administer oaths and take the affidavits of the officers of the state prisons," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same as amended should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Crispell, from the committee on agriculture, to which was referred the bill entitled "An act to aid in the diffusion of agricultural science," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of Allegany county, for a bridge over the Genesee river near Mixville, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of the county of Kings, for an amendment of the charter of the Gravesend and Coney Island Bridge and Road Company, reducing their tolls, &c., reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of Malone, Franklin co., for a law to declare the Trout river a public highway, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act to annex a part of the town of Rockland to the town of Liberty in the county of Sullivan."

"An act to authorise the construction of a plank road in the town of Canton."

"An act to authorise the trustees of school district No. 1, in the town of German Flatts, to borrow money to build a school house."

"An act to amend 'An act to incorporate the Saugerties and Woodstock Turnpike Road company,' passed April 21, 1828."

And found the same severally correctly engrossed.

*Ordered*, That the said bills be read a third time.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, Feb. 19, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bill, entitled as follows, to wit:



"An act to revise and amend the several acts relating to the city of Brooklyn."

### HAMILTON FISH.

Mr. Guernsey from the committee on roads and bridges to which was referred the petition of inhabitants of Yates co., for a law to build a bridge over the outlet of Crooked lake in the village of Penn Yan, reported and asked and obtained leave to introduce a bill, entitled "An act to provide for building a bridge across the outlet of Crooked lake in the town of Milo," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. A. Johnson from the select committee to which was referred the bill, entitled "An act for the relief of certain purchasers of lands acquired by treaty from the Stockbridge Indians," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Ward from the committee on claims to which was referred the petition of Davidson Moshier for damages sustained by reason of raising the water in Crooked lake canal, reported and asked and obtained leave to introduce a bill, entitled "An act to authorise the appraisal and payment of canal damages to Davidson Moshier," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

The engrossed bill, entitled "An act to make the clerk's office of Erie county a salaried office," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 79 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. Averill	Mr. Hale	Mr. Rose
Mr. Bagley	Mr. Hall	Mr. Rounseville
Mr. Bailey	Mr. A. Johnson	Mr. Slocum
Mr. Barber	Mr. M. Johnson	Mr. Smalley
Mr. Beekman	Mr. Kelsey	Mr. L. Ward Smith
Mr. Bellinger	Mr. Kidd	Mr. W. S. Smith
Mr. Boardman	Mr. McLean	Mr. Speaker
Mr. Bogart	Mr. McNeal	Mr. Stevens
Mr. Boughton	Mr. Markel	Mr. Stevenson
Mr. Brewer	Mr. Marsh	Mr. Strever
Mr. L. Butts	Mr. Miller	Mr. Stryker
Mr. W. Butts	Mr. Moffatt	Mr. Sweet
Mr. Campbell	Mr. Mowry	Mr. Terry

Mr. Carver	Mr. Nash	Mr. B. Thompson
Mr. Clark	Mr. Noble	Mr. A. Tuttle
Mr. Cornell	Mr. Perley	Mr. Van Orden
Mr. Crispell	Mr. Picket	Mr. Varnum
Mr. Crittenden	Mr. Pierce	Mr. Ward
Mr. Disosway	Mr. Prescott	Mr. Wells
Mr. Elderkin	Mr. Pruy	Mr. Wheaton
Mr. Elwood	Mr. Raynor	Mr. White
Mr. Fish	Mr. Richards	Mr. Willard
Mr. Fitzhugh	Mr. Roblee	Mr. Wilcox
Mr. A. Gilbert	Mr. A. Robertson	Mr. Wisewell
Mr. Glass	Mr. W. H. Robertson	Mr. Woodruff
Mr. Green	Mr. Rockwell	Mr. Young
Mr. Guernsey		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same

The engrossed bill, entitled "An act to amend an act to incorporate the Saugerties and Woodstock Turnpike Road Company, passed April 21, 1828," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Guernsey	Mr. Rockwell
Mr. Bagley	Mr. Hale	Mr. Rose
Mr. Bailey	Mr. Hall	Mr. Rounseville
Mr. Barber	Mr. A. Johnson	Mr. Slocum
Mr. Beekman	Mr. M. Johnson	Mr. Smalley
Mr. Bellinger	Mr. Kelsey	Mr. L. Ward Smith
Mr. Boardman	Mr. Kidd	Mr. W. S. Smith
Mr. Bogart	Mr. McKinney	Mr. Speaker
Mr. Boughton	Mr. McLean	Mr. Stevens
Mr. Boyce	Mr. McNeal	Mr. Stevenson
Mr. Brewer	Mr. Markel	Mr. Stréver
Mr. L. Butts	Mr. Marsh	Mr. Stryker
Mr. W. Butts	Mr. Miller	Mr. Sweet
Mr. Campbell	Mr. Moffatt	Mr. Terry
Mr. Carver	Mr. Mowry	Mr. B. Thompson
Mr. Clark	Mr. Nash	Mr. A. Tuttle
Mr. Cornell	Mr. Noble	Mr. Van Orden
Mr. Crispell	Mr. Perley	Mr. Varnum
Mr. Crittenden	Mr. Picket	Mr. Ward
Mr. Danforth	Mr. Pierce	Mr. Wells
Mr. Disosway	Mr. Prescott	Mr. Wheaton
Mr. Elderkin	Mr. Pruy	Mr. White

Mr. Fish	Mr. Raynor	Mr. Willard	
Mr. Fitzbugh	Mr. Richards	Mr. Wilcox	
Mr. A. Gilbert	Mr. Roblee	Mr. Wisewell	
Mr. Glass	Mr. A. Robertson	Mr. Woodruff	
Mr. Green	Mr. W. H. Robertson	Mr. Young	81

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorise the construction of a plank road in the town of Canton," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Glass	Mr. W. H. Robertson
Mr. Bagley	Mr. Green	Mr. Rockwell
Mr. Bailey	Mr. Guernsey	Mr. Rose
Mr. Barber	Mr. Hale	Mr. Rounseville
Mr. Beekman	Mr. Hall	Mr. Slocum
Mr. Bellinger	Mr. A. Johnson	Mr. Smalley
Mr. Boardman	Mr. M. Johnson	Mr. W. S. Smith
Mr. Bogart	Mr. Kelsey	Mr. Speaker
Mr. Boughton	Mr. McKinney	Mr. Stevens
Mr. Boyce	Mr. McLean	Mr. Stevenson
Mr. Brewer	Mr. McNeal	Mr. Strever
Mr. L. Butts	Mr. Markel	Mr. Stryker
Mr. W. Butts	Mr. Marsh	Mr. Sweet
Mr. Campbell	Mr. Miller	Mr. Terry
Mr. Carver	Mr. Moffatt	Mr. B. Thompson
Mr. Clark	Mr. Mowry	Mr. A. Tuttle
Mr. Cornell	Mr. Nash	Mr. Van Orden
Mr. Crispell	Mr. Noble	Mr. Varnum
Mr. Crittenden	Mr. Perley	Mr. Ward
Mr. Danforth	Mr. Picket	Mr. Wells
Mr. Disosway	Mr. Pierce	Mr. Wheaton
Mr. Elderkin	Mr. Prescott	Mr. White
Mr. Elwood	Mr. Pruyn	Mr. Willard
Mr. Fish	Mr. Raynor	Mr. Wilcox
Mr. Fiske	Mr. Richards	Mr. Wisewell
Mr. Fitzbugh	Mr. Roblee	Mr. Woodruff
Mr. A. Gilbert	Mr. A. Robertson	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to authorise the trustees of school district No. 1 in the town of German Flatts to borrow money to build a school house," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 79 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Glass	Mr. Rockwell
Mr. Bagley	Mr. Green	Mr. Rose
Mr. Bailey	Mr. Guernsey	Mr. Rounseville
Mr. Barber	Mr. Hale	Mr. Slocum
Mr. Beekman	Mr. Hall	Mr. Smalley
Mr. Bellinger	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Boardman	Mr. M. Johnson	Mr. W. S. Smith
Mr. Bogart	Mr. Kelsey	Mr. Speaker
Mr. Boughton	Mr. McLean	Mr. Stevens
Mr. Boyce	Mr. McNeal	Mr. Stevenson
Mr. Brewer	Mr. Markel	Mr. Strever
Mr. L. Butts	Mr. Marsh	Mr. S ryker
Mr. W. Butts	Mr. Miller	Mr. Sweet
Mr. Campbell	Mr. Moffatt	Mr. Terry
Mr. Carver	Mr. Mowry	Mr. B. Thompson
Mr. Clark	Mr. Nash	Mr. A. Tuttle
Mr. Cornell	Mr. Noble	Mr. Van Orden
Mr. Crispell	Mr. Perley	Mr. Varnum
Mr. Crittenden	Mr. Picket	Mr. Ward
Mr. Danforth	Mr. Prescott	Mr. Wells
Mr. Disosway	Mr. Pruyn	Mr. Wheaton
Mr. Elderkin	Mr. Raynor	Mr. Willard
Mr. Elwood	Mr. Richards	Mr. Wilcox
Mr. Fish	Mr. Roblee	Mr. Wisewell
Mr. Fiske	Mr. A. Robertson	Mr. Woodruff
Mr. Fitzhugh	Mr. W. H. Robertson	Mr. Young
Mr. A. Gilbert		

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to annex a part of the town of Rockland to the town of Liberty, in the county of Sullivan," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 78 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. A. Robertson
Mr. Bagley	Mr. Glass	Mr. W. H. Robertson
Mr. Bailey	Mr. Green	Mr. Rockwell
Mr. Barber	Mr. Guernsey	Mr. Rose
Mr. Beekman	Mr. Hale	Mr. Rounseville
Mr. Bellinger	Mr. Hall	Mr. Slocum
Mr. Boardman	Mr. A. Johnson	Mr. Smalley
Mr. Bogart	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Boughton	Mr. Kelsey	Mr. W. S. Smith
Mr. Boyce	Mr. McKinney	Mr. Speaker
Mr. Brewer	Mr. McLean	Mr. Stevens
Mr. L. Butts	Mr. McNeal	Mr. Stevenson
Mr. W. Butts	Mr. Markel	Mr. Strever
Mr. Campbell	Mr. Marsh	Mr. Stryker
Mr. Carver	Mr. Miller	Mr. Sweet
Mr. Clark	Mr. Moffatt	Mr. Terry
Mr. Cornell	Mr. Mowry	Mr. B. Thompson
Mr. Crispell	Mr. Nash	Mr. A. Tuttle
Mr. Crittenden	Mr. Noble	Mr. Van Orden
Mr. Danforth	Mr. Perley	Mr. Varnum
Mr. Disosway	Mr. Picket	Mr. Wells
Mr. Elderkin	Mr. Prescott	Mr. Willard
Mr. Fish	Mr. Pruyn	Mr. Wilcox
Mr. Fiske	Mr. Raynor	Mr. Wisewell
Mr. Fitzhugh	Mr. Richards	Mr. Woodruff
Mr. Gates	Mr. Roblee	Mr. Young

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For the negative,

Mr. Ward

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

Mr. Perley gave notice that he would at an early day ask leave to introduce a bill to provide for the election of state commissioners, whose duty it shall be to equalize assessments throughout the state.

On motion of Mr. L. Ward Smith,

*Resolved*, That the bill entitled "An act authorising the payment of a sum of money to John Cameron for giving information of an escheat," be recommitted to the committee on grievances.

Mr. W. S. Smith offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That a committee of nine members be appointed, whose duty it shall be to examine all bills committed to a committee of the whole House, and to report all such bills as in their opinion may with safety and propriety be referred to select committees to report com-

plete; but that no bill shall be recommended to be so referred except with consent of a majority of said committee.

On motion of Mr. W. S. Smith,

*Ordered*, That the said resolution be laid on the table.

In pursuance of previous notice Mr. Bailey asked for and obtained leave to bring in a bill entitled "An act to amend the charter of the Cairo Bridge Company," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on roads and bridges.

In pursuance of previous notice Mr. Campbell asked for and obtained leave to bring in a bill entitled "An act to provide for the enlargement of the present or the erection of a new capitol of the state," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Campbell,

*Ordered*, That the said bill be referred to a select committee.

*Ordered*, That Mr. Campbell, Mr. Noble, Mr. White, Mr. Bailey, Mr. Barber, Mr. Elderkin, and Mr. Beekman be such committee.

In pursuance of previous notice Mr. Sweet asked for and obtained leave to bring in a bill entitled "An act concerning the libraries of the late court of chancery," which was read the first time, and by unanimous consent was also read a second time, and referred to the joint library committee.

In pursuance of previous notice Mr. Rose asked for and obtained leave to bring in a bill entitled "An act to supply county clerks' offices with the reports of the supreme court," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice Mr. Pruyn asked for and obtained leave to bring in a bill entitled "An act to discontinue the Clinton State Prison and convert the building used therefor into an Asylum for the education and support of idiots," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on state prisons.

Leave of absence was granted to Mr. Maine and Mr. J. E. Thompson for eight days each, to Mr. Bush for two weeks, to Mr. Preston and Mr. Sexton for four days each, and to Mr. Fox for ten days.

Mr. Bailey gave notice that he would at some early day ask leave to bring in a bill to authorise surrogates to invest surplus monies arising from sale of real estate in certain cases.

Mr. L. Ward Smith gave notice that he would at some future day ask leave to introduce a bill to incorporate the Commercial Insurance Company of Rochester.

On motion of Mr. Glass,

*Resolved*, That the papers on file in relation to the claim of Calvin P. Richardson, for work on the Jordan level of the Erie canal, be taken from the files of this House, and referred to the committee on claims.

Mr. Disosway offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the special committee to which the subject of the emigration laws has been referred, have power to send for persons and papers, that they be enabled to inquire more fully into the fraud perpetrated upon emigrants in their passage through the state and make report of the same to this House.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Wesley Butts gave notice of his intention to bring in a bill repealing the statutes which exempts the property of clergymen from taxation.

Mr. Fitzhugh gave notice that he would at an early day ask leave to introduce a bill to authorise the location of the jail, about to be built at Oswego, upon a lot to be given by the city for that purpose.

Mr. Fitzhugh gave notice that he would at an early day ask leave to introduce a bill to declare the public utility of a railroad from Lewiston to Niagara Falls.

On motion of Mr. McLean,

*Resolved*, That the papers referring to the petition of Mary Murray and others be taken from the files of the House and be recommitteed to the committee on claims.

Mr. Elwood gave notice that he would at some future day ask leave to introduce a bill to repeal the act authorising the Utica and Schenectady Railroad Co. to transport freight, passed May 12, 1847.

Mr. Nash gave notice of his intention at an early day to ask leave to bring in a bill to prohibit the running of railroad cars, stage coaches and canal boats on the Sabbath.

On motion of Mr. Hale,

The House proceeded to the consideration of the concurrent resolution for the presentation of a sword to Lieut. Col. Bliss, and the question being upon granting leave to the committee of the whole to sit again.

Mr. Speaker put the question whether the House would grant leave to sit again, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the said resolution in the words following :

*Resolved*, (if the Senate concur,) That Lieutenant Colonel William Wallace Smith Bliss, by his noble and gallant bearing in the service of his country, has reflected distinguished honor upon this his native State, and is, therefore, entitled to the thanks of her people, which are hereby tendered him ; and that, in token of their appreciation of his worth as a soldier and a man, the governor be requested to procure a sword, and present the same to Colonel Bliss in the name of the people of this State, together with a copy of this resolution.

And after some time spent thereon, Mr. Speaker resumed the chair and Mr. Wisewell from said committee reported that the committee had gone through said resolution, and agreed to the same amended so as to read as follows :

*Resolved*, (if the Senate concur,) That Lieutenant Colonel William Wallace Smith Bliss, by his noble and gallant bearing in the

service of his country, has reflected distinguished honor upon this his native State; and is, therefore, entitled to the thanks of her people which are hereby tendered him; and that, in token of their appreciation of his worth as a soldier and a man, the Governor be requested to procure a gold medal with suitable devices and inscriptions and present the same to Colonel Bliss in the name of the people of this State, together with a copy of this resolution.

The question being upon agreeing to the report of the committee of the whole,

Mr. Boughton moved to amend the report by striking out the words "gold medal," and insert a "sword."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Boughton, and it was determined in the negative.

{ AYES 29 }  
{ NAYS 58 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Fiske	Mr. Smalley
Mr. Averill	Mr. Fitzhugh	Mr. L. Ward Smith
Mr. Barber	Mr. Hale	Mr. W. S. Smith
Mr. Boardman	Mr. M. Johnson	Mr. Speaker
Mr. Boughton	Mr. Kelsey	Mr. Stevenson
Mr. Boyce	Mr. Markel	Mr. Sweet
Mr. Campbell	Mr. Prescott	Mr. Taylor
Mr. Carver	Mr. A. Robertson	Mr. A. Tuttle
Mr. Crispell	Mr. Rockwell	Mr. White
Mr. Disosway	Mr. Rose	

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Those who voted in the negative are,

Mr. Bagley	Mr. Guernsey	Mr. Roblee
Mr. Bailey	Mr. Hall	Mr. W. H. Robertson
Mr. Beekman	Mr. A. Johnson	Mr. Rounseville
Mr. Bellinger	Mr. Kennedy	Mr. Slocum
Mr. Bogart	Mr. Kidd	Mr. Stevens
Mr. Brewer	Mr. McKinney	Mr. Strever
Mr. L. Butts	Mr. McLean	Mr. Stryker
Mr. W. Butts	Mr. McNeal	Mr. Terry
Mr. Buxton	Mr. Miller	Mr. B. Thompson
Mr. Clark	Mr. Moffatt	Mr. Van Orden
Mr. Cornell	Mr. Mowry	Mr. Varnum
Mr. Crittenden	Mr. Nash	Mr. Ward
Mr. Danforth	Mr. Noble	Mr. Wells
Mr. Elderkin	Mr. Perley	Mr. Wheaton
Mr. Elwood	Mr. Picket	Mr. Wilcox
Mr. Fish	Mr. Pierce	Mr. Wing
Mr. A. Gilbert	Mr. Pruyn	Mr. Wisewell



Mr. Glass  
Mr. Gove  
Mr. Green

Mr. Raynor  
Mr. Richards

Mr. Woodruff  
Mr. Young

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Mr. Cornell moved to amend the report of the committee of the whole by adding at the end of the resolution, the words "and that one copy of such medal shall be deposited in the military academy at West Point."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

Mr. Sweet moved that the question upon agreeing to the report of the committee of the whole be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Sweet, and it was determined in the negative.

Mr. Wells moved to amend the report of the committee of the whole, by adding at the end of the resolution, the words "and one copy of such medal shall be deposited in the state library."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Wells, and it was determined in the affirmative.

Mr. A. Robertson moved that the question of agreeing to the report of the committee of the whole be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Robertson, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole as amended, and it was determined in the affirmative.

{ AYES 78 }  
{ NAYS 09 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Barber  
Mr. Beekman  
Mr. Bellingher  
Mr. Boardman  
Mr. Bogart  
Mr. Boughton  
Mr. Boyce  
Mr. Brewer  
Mr. L. Butts  
Mr. W. Butts  
Mr. Campbell  
Mr. Carver  
Mr. Clark

Mr. Glass  
Mr. Gove  
Mr. Green  
Mr. Guernsey  
Mr. Hale  
Mr. Hall  
Mr. A. Johnson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. McKinney  
Mr. McLean  
Mr. McNeal  
Mr. Markel  
Mr. Miller

Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. Slocum  
Mr. L. Ward Smith  
Mr. W. S. Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stevenson  
Mr. Strever  
Mr. Stryker  
Mr. Sweet  
Mr. Terry  
Mr. B. Thompson  
Mr. A. Tuttle

Mr. Cornell	Mr. Moffatt	Mr. Van Orden
Mr. Crispell	Mr. Mowry	Mr. Varnum
Mr. Crittenden	Mr. Nash	Mr. Ward
Mr. Danforth	Mr. Noble	Mr. Wells
Mr. Disosway	Mr. Perley	Mr. White
Mr. Elwood	Mr. Pierce	Mr. Wilcox
Mr. Fish	Mr. Prescott	Mr. Wing
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Fitzhugh	Mr. Richards	Mr. Woodruff
Mr. A. Gilbert	Mr. Roblee	Mr. Young

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Picket	Mr. Smalley
Mr. Buxton	Mr. Raynor	Mr. Taylor
Mr. Elderkin	Mr. A. Robertson	Mr. Wheaton

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*Ordered*, That the Clerk deliver the said resolution to the Senate and request their concurrence in the same.

And then, at 2 o'clock p. m.,

On motion of Mr. Wells,  
The House adjourned.

## TUESDAY, FEBRUARY 20, 1849.

The House met pursuant to adjournment.

Mr. W. S. Smith acting as Speaker, by appointment, under the 7th rule of the House.

Prayer by the Rev. Mr. Miles.

The minutes of yesterday were read and approved.

Mr. Boardman presented the resolutions of the board of supervisors of Allegany county, in favor of a law requiring the sale of lands sold for taxes to be held in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Woodruff presented the petition of Jonas Ingraham for a law authorising the appraisal and payment of damages sustained by him by reason of the annulling of a contract by the Canal Commissioners, which was read and referred to the committee on claims.

Mr. Leavenworth presented the petition of Sylvanus D. Thompson, of Savannah, in the county of Wayne, for a law confirming his acts as a justice of the peace, which was read and referred to the committee on the judiciary.

Mr. Stewart presented the petition of Charles B. Carpenter, praying for certain relief under the laws of 1847, for the reappraisal of lands on the Oneida purchase, which was read and referred to the committee on public lands.

Mr. Elderkin and Mr. Picket presented two several petitions of

sundry inhabitants of the county of St. Lawrence, for a law authorising the Northern Railroad Company to bridge Lake Champlain at Rouses' Point, which were read and referred to the select committee on that subject.

Mr. Wells presented two several remonstrances of sundry citizens of Essex co., against authorising the Northern Railroad Company to bridge Lake Champlain, which were read and referred to the select committee on that subject.

Mr. Woodruff presented the petition of sundry inhabitants of Wayland, in the county of Steuben, for the erection of a new county from parts of Livingston, Steuben and Allegany counties; and protesting against the Hornellsville project, which was read and referred to the committee on the erection and division of towns and counties.

Mr. McNeal presented the petition of sundry inhabitants of the town of Hamburg, in the county of Erie; for the division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Noble presented the resolutions of the annual town meeting of Colesville, in Broome co., remonstrating against the formation of the new county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Wells presented the remonstrance of sundry inhabitants of the town of Westport, against any alterations of the boundaries of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Raynor presented the petition of sundry citizens of Buffalo, asking for an appropriation for the Buffalo city hospital, which was read and referred to the committee on medical societies and colleges.

Mr. H. J. Allen presented the petition of sundry inhabitants of the city of New-York, praying for the removal of the Quarantine from Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. A. Robertson presented two several petitions of sundry inhabitants of the counties of Washington, Warren and Saratoga for an aqueduct over the Hudson river, near the new Fort Miller dam, which was read and referred to the committee on canals.

Mr. Wells presented the petition of sundry inhabitants of the counties of Warren and Hamilton, for the appointment of commissioners to lay out a highway from Johnsbury in Warren co. to Wells in Hamilton co., which was read and referred to the committee on roads and bridges.

Mr. Nash and Mr. Wells presented two several petitions of sundry inhabitants of the counties of Chemung and Warren, for a law prohibiting the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. St. John presented the petition of sundry citizens of Otsego co., for the repeal of an act entitled "An act for the preservation of pike or pickerel and other fish in sundry ponds and other waters,"

passed April 16, 1892, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. St. John presented the petition of sundry inhabitants of Otsego for a law requiring the sale of land sold for taxes to be held in the counties in which such lands are situated, which was read, and referred to the select committee on that subject.

Mr. Crispell presented the petition of sundry inhabitants of Ulster co., for a law prohibiting the use of drift nets in the Hudson river, which was read and referred to the select committee on that subject.

Mr. Hart presented two several remonstrances of sundry citizens of Fultonville, Montgomery co., against any law modifying the charter of the Caughnawaga Bridge Company without just compensation, which were read and referred to the committee of the whole House when on the bill on that subject.

Mr. White presented the petition of sundry inhabitants of Lockport, for a law fixing a legal day's labor at ten hours which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Miller presented two several petitions of sundry citizens of the county of Suffolk, for a law to protect the woodlands in said counties against fires, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Hall presented the petition of sundry citizens of Tompkins co., for the reduction of the present legal rate of interest, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Mowry presented the petition of sundry citizens of Granville, in the county of Washington, for a law declaring the public utility of a railroad from Troy to the Vermont line, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Elwood from the committee on the judiciary, to which was referred the bill entitled "An act to change the present mode of electing town assessors," reported that the committee had examined said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Sweet from the committee on the judiciary, to which was referred the petitions of sundry citizens of the counties of Erie and Genesee, for the restoration of the office of crier for courts of record, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the appointment of criers of courts in the several counties in this state," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of Sylvester Reed, for a law to confirm his official acts as a justice of the peace, reported, and asked and obtained leave to bring in a bill, entitled "An act to confirm the official acts

of Sylvester Reed as justice of the peace of the town of Brownville," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bagley from the committee on the judiciary to which was referred the bill entitled "An act to amend an act, entitled 'An act to organize and establish a recorder's court in the city of Oswego,' passed April 12, 1848," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of Helen Hill, for the release of certain lands, reported, and asked and obtained leave to bring in a bill, entitled "An act to release to Helen Hill certain lands in the town of Sheldon, of which John Gabels, her late uncle, died seised," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of Ethelinda Deall, for an increase in the powers of the judge of Essex county in regard to ferries, reported and asked and obtained leave to bring in a bill, entitled "An act to amend title two of chapter sixteen, of the first part of the Revised Statutes, entitled 'of the regulation of ferries,'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of sundry inhabitants of Buffalo, for a law requiring the assessment rolls to be deposited with the treasurer of the city instead of the collectors, reported against the prayer of the petitioners and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the house would agree to the said resolution, and it was determined in the affirmative.

Mr. Cornell from the committee on the judiciary, to which was referred the petition of P. McMahon, for a law compelling the county of Tioga to reimburse him for the burning of his property by incendiaries, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Cornell, from the committee on the judiciary, to which was referred the bill entitled "An act to authorise surrogates to take acknowledgments of deeds and to administer oaths," reported that the

committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Noble, from the committee on the judiciary, to which was referred the petition of Henry Shankwiler and George Heas to be reimbursed certain expenses in arresting a fugitive from justice, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the dog tax in the county of Ulster," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Perley from the committee on grievances, to which was referred the petition of Abram V. Putnam, for damages sustained in consequence of the Erie canal enlargement, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Brewer from the committee on state prisons, to which was referred the bill, entitled "An act to discontinue the Clinton State prison, and to convert the building used therefor into an Asylum for the education and support of idiots," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley from the committee on the judiciary to which was referred the petition of Samuel H. Stone for a law to confirm his acts as treasurer of Oswego county, reported against the prayer of the petitioner.

(See Doc. No. 104.)

On motion of Mr. Fitzhugh.

*Ordered*, That the said report be laid upon the table.

Mr. Averill from the committee on roads and bridges to which was referred the petition of inhabitants of Oswego co., for a law to build a bridge over the Oswego river at Oswego falls, reported and asked and obtained leave to introduce a bill, entitled "An act to authorise the construction of a bridge over the Oswego river and a

bridge over the Oswego canal," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Boardman from the committee on claims to which was referred the petition of Mathew Huntington for the payment of the balance of an award made by the canal appraisers, reported against the prayer of the petitioner and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Cornell from the select committee to which was referred the bill, entitled "An act to amend an act entitled 'An act for the establishment and regulation of the police of the city of New-York,' passed May 13, 1846," to report complete, reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same, as amended, should not be passed into a law.

Mr. Perley moved to recommit the said bill to the committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Perley, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the report of the committee on said bill and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Fitzhugh from the select committee to which was referred the petition of inhabitants of Clinton, Franklin and St. Lawrence counties, for a law authorising the Northern Railroad company to build a bridge over Lake Champlain at Rouse's point, and for other purposes, reported and asked and obtained leave to introduce a bill, entitled "An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain, passed May 14, 1845," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Campbell moved that five times the usual number of the said report be printed for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bill entitled as follows, to wit:

"An act to pay Marcus Brown, son and heir at law of Conrad Brown, deceased, for property taken during the revolutionary war for the support of the army."

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

A message from the Governor transmitting the resolutions of the

General Assembly of the state of Rhode Island, asking this state for a manuscript volume now in the office of the Secretary of State, concerning the boundaries of the colony of Rhode Island, was received and referred to the joint library committee.

A message from the Governor, transmitting documents relating to a new form of Government adopted by the Seneca nation of Indians, was received and referred to the committee on Indians affairs.

(See Doc. No. 108.)

Mr. Curtis moved that five times the usual number of the said message and documents accompanying the same be printed for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

The report of the superintendent of the poor of Jefferson co., in relation to the monies received from emigrants arriving in that co., under the act of Dec. 10, 1847, was received and referred to the committee on commerce and navigation.

The report of the clerk of the city and county of New-York, in answer to a resolution of this House of February 10, relative to the amount of fees and expenditures of the office of clerk of the city and county of New-York, was received and referred to the select committee consisting of the New-York delegation.

(See Doc. No. 86.)

A communication from the Hon. Wm. H. Seward, accepting the office of United States Senator, was received and read in the following words:

AUBURN, February 19, 1849.

SIR:—I accept the office of Senator in the Congress of the United States with severe devotion to the public service, and with profound gratitude for the generous confidence reposed in me by the Legislature.

I have the honor to be,  
With great respect,  
Your humble servant,

WILLIAM H. SEWARD.

The Honorable AMOS K. HADLEY,  
*Speaker of the Assembly.*

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to amend the 133d section of the act entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this state, passed April 12, 1848,'" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act authorising the election of a police justice in the village of Poughkeepsie," which was read the first time, and by unanimous



consent was also read a second time, and referred to the committee on the judiciary.

"An act fixing the fees of sheriffs for transporting convicts to the state prisons," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on state prisons.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith returned, entitled "An act to amend an act to provide for building a court house in the county of Madison, passed April 11, 1848."

"An act to incorporate the Genesee college."

*Ordered*, That the Clerk deliver the said bills to the Governor.

The engrossed bill, entitled "An act to pay Marcus Brown, son and heir at law of Conrad Brown, deceased, for property taken during the revolutionary war for the support of the army," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, as follows :

{ AYES 52 }  
{ NAYS 31 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Disosway	Mr. Rose
Mr. H. J. Allen	Mr. Elwood	Mr. Rounseville
Mr. Averill	Mr. Fish	Mr. Smalley
Mr. Bailey	Mr. Hale	Mr. W. S. Smith
Mr. Barber	Mr. Hoyt	Mr. Stevens
Mr. Beekman	Mr. M. Johnson	Mr. Stevenson
Mr. Boardman	Mr. Kidd	Mr. Stewart
Mr. Boyce	Mr. Leavenworth	Mr. Strever
Mr. L. Butts	Mr. McKinney	Mr. Taylor
Mr. W. Butts	Mr. McNeal	Mr. B. Thompson
Mr. Buxton	Mr. Miller	Mr. A. Tuttle
Mr. Campbell	Mr. Noble	Mr. Varnum
Mr. Carver	Mr. Perley	Mr. Ward
Mr. Clark	Mr. Picket	Mr. Wells
Mr. Crispell	Mr. Raynor	Mr. Willard
Mr. Crittenden	Mr. W. H. Robertson	Mr. Wilcox
Mr. Cross	Mr. Rockwell	Mr. Young
Mr. Culbert		

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Those who voted in the negative are,

Mr. Bagley	Mr. Gove	Mr. Roblee
Mr. Bellinger	Mr. Guernsey	Mr. A. Robertson
Mr. Bogart	Mr. Hall	Mr. St. John
Mr. Brewer	Mr. Hart	Mr. Slocum
Mr. Button	Mr. Kelsey	Mr. Stryker

Mr. Cornell  
Mr. Danforth  
Mr. Elderkin  
Mr. Fiske  
Mr. Fitzhugh  
Mr. A. Gilbert

Mr. Kennedy  
Mr. McLean  
Mr. Marsh  
Mr. Moffatt  
Mr. Richards

Mr. Sweet  
Mr. Terry  
Mr. Vincent  
Mr. Wheaton  
Mr. Wisewell

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Mr. Sweet moved the House reconsider its vote on the final passage of said bill.

Mr. Sweet moved the said motion to reconsider be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Sweet, and it was determined in the affirmative.

The engrossed bill, entitled "An act to amend an act entitled 'An act for the establishment and regulation of the police of the city of New-York,' passed May 13, 1846," was read the third time.

Mr. McKinney moved to recommit said bill to the committee of the whole.

Mr. Varnum moved to amend the motion of Mr. McKinney by recommitting to the committee of the whole on the bill, entitled "An act to amend an act for the protection of mechanics and others erecting buildings and furnishing materials therefor."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Varnum, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. McKinney to recommit said bill to the committee of the whole, and it was determined in the affirmative.

Mr. Carver gave notice that he would at an early day introduce a bill, providing for the abandonment of the Mount Pleasant State prison at Sing Sing, and appropriating the buildings and premises connected therewith to the use of the deaf, dumb and blind of the State.

On motion of Mr. Pruyn,

The House proceeded to the consideration of the concurrent resolution from the Senate, in the words following, to wit:

*Resolved*, (if the Assembly concur,) That the 15th joint rule be amended by adding thereto the following words: "Whenever an extra number of any document are ordered to be printed, 60 copies in addition to the number so ordered be printed for the use of the Governor of this State."

Mr. Pruyn moved the said resolution be referred to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

*Ordered*, That Mr. Pruyn, Mr. Cornell, Mr. W. S. Smith, Mr. Beekman and Mr. Wheaton be such committee.

Mr. Elderkin offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (If the Senate concur,) That Lieutenant Roswell Sabin Ripley, by his noble and gallant bearing in the service of his country, has reflected distinguished honor upon this, his native state, and is entitled to the thanks of her people, which are hereby tendered him; and that, in token of their appreciation of his worth as a soldier and a man, the Governor be requested to procure a gold medal, with an appropriate device, and present the same to Lieut. Ripley in the name of the people of this state, together with a copy of this resolution.

*Ordered*, That the said resolution be laid upon the table.

Mr. L. Ward Smith offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Canal Board be and are hereby requested to report to this House, whether in their opinion the weight of boats and freight on the canals can be ascertained by any better mode than by the use of weigh-locks, also, whether in their opinion any reduction of tolls on foreign salt would be of advantage to the state.

*Ordered*, That the said resolution be laid on the table.

Mr. Wheaton gave notice that he would, at some future day, ask leave to bring in a bill to amend an act, entitled "An act to provide for the incorporation of religious societies," passed April 5, 1813.

Mr. Nash gave notice of his intention, at an early day, to bring in a bill to annex a part of the town of Chemung, in Chemung county, to the town of Southport.

In pursuance of previous notice Mr. Rose asked for and obtained leave to bring in a bill entitled "An act to amend an act concerning the laws, journals and documents of the Legislature, passed May 12, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on public printing.

In pursuance of previous notice, Mr. Fitzhugh asked for and obtained leave to bring in a bill entitled "An act in relation to the site of the county jail to be built in the city of Oswego," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Raynor asked for and obtained leave to bring in a bill entitled "An act to release the estate of David Burt from the payment of a judgment held by the state," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on ways and means.

In pursuance of previous notice, Mr. L. Ward Smith asked for and obtained leave to bring in a bill entitled "An act to incorporate the Commercial Insurance Company of Rochester," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

On motion of Mr. Rose,

*Resolved*, That the papers relating the claims of Titus F. Gazynski, Charles Kearsing and Claudius Durand, be taken from the files of this House and referred to the committee on militia and public defence.

On motion of Mr. Elwood,

*Resolved*, That the bill entitled "An act to regulate the police of the city of Troy," be recommitted to the committee on the judiciary.

On motion of Mr. Mowry,

*Resolved*, That from and after the first of March next this House will hold an afternoon session.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Cornell gave notice of his intention to introduce a bill to authorise the New-York Institution for the instruction of the Deaf and Dumb to take real and personal property by gift and devise.

The House then resolved itself into a committee of the whole on the bills, entitled as follows:

"An act to authorise Isabella Gilchrist to hold and convey real estate."

"An act to provide for the payment of certain expenses of select committees of the Legislature of 1848."

The engrossed bill from the Senate, entitled "An act to provide for the completion of the Normal School building."

And after some time spent thereon, Mr. Speaker resumed the chair and Mr. Hoyt from said committee, reported that the committee had gone through said bills, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bills be engrossed for a third reading.

On motion of Mr. Beekman,

The engrossed bill, entitled "An act to provide for the payment of certain expenses of select committees of the Legislature of 1848," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 75 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Richards
Mr. Averill	Mr. Gove	Mr. Roblee
Mr. Bagley	Mr. Green	Mr. A. Robertson
Mr. Bailey	Mr. Guernsey	Mr. W. H. Robertson
Mr. Barber	Mr. Hale	Mr. Rockwell
Mr. Beekman	Mr. Hall	Mr. Rose
Mr. Bellinger	Mr. Hoyt	Mr. Rounseville
Mr. Boardman	Mr. M. Johnson	Mr. St. John
Mr. Bogart	Mr. Kelsey	Mr. Slocum
Mr. Boyce	Mr. Kennedy	Mr. Smalley
Mr. Brinkerhoff	Mr. Leavenworth	Mr. L. Ward Smith
Mr. Brewer	Mr. McKinney	Mr. Stevens

Mr. W. Butts  
Mr. Campbell  
Mr. Carver  
Mr. Clark  
Mr. Crispell  
Mr. Cross  
Mr. Curtis  
Mr. Disosway  
Mr. Elderkin  
Mr. Elwood  
Mr. Fish  
Mr. Fiske  
Mr. Fitzhugh

Mr. McLean  
Mr. McNeal  
Mr. Marsh  
Mr. Miller  
Mr. Moffatt  
Mr. Mowry  
Mr. Nash  
Mr. Pardee  
Mr. Perley  
Mr. Picket  
Mr. Pruyn  
Mr. Quackenboss  
Mr. Raynor

Mr. Stevenson  
Mr. Strever  
Mr. Sweet  
Mr. Terry  
Mr. B. Thompson  
Mr. A. Tuttle  
Mr. Varnum  
Mr. Vincent  
Mr. Wells  
Mr. Willard  
Mr. Wilcox  
Mr. Woodruff  
Mr. Young

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For the negative,

Mr. L. Butts

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The House then resolved itself into a committee of the whole on the bill entitled "An act to incorporate the Newfane Burial Ground Association," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Kelsey from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bills entitled as follows :

"An act in relation to the court of sessions in the county of Kings."

"An act to establish a court of sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. McNeal from said committee, reported that the committee had gone through said last mentioned bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. McNeal, from said committee, reported progress on said first mentioned bill, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the bill entitled "An act to confer upon justices of the peace certain powers so as to recover possession of lands in summary proceedings," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Varnum from said committee, reported progress.

Mr. Cornell moved that said bill be referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

*Ordered*, That Mr. B. Thompson, Mr. Bagley, Mr. Hale, Mr. Bailey and Mr. Rose be said committee.

The House then resolved itself into a committee of the whole on

the bill entitled "An act to authorise the Fultonville and Johnstown Plank Road Company to erect a bridge across the Mohawk river between Fultonville and Fonda," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Kidd from said committee, reported progress and asked for and obtained leave to sit again.

Mr. W. S. Smith offered for the consideration of the House, a preamble and resolution in the words following, to wit:

THURSDAY, the 22nd day of February instant, being the anniversary of the birth day of him who was "first in war, first in peace and first in the hearts of his countrymen,"

*Resolved*, That when this House adjourns on Wednesday, the 21st, it will adjourn to meet on Friday, the 23d instant.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

And then at 2 o'clock, p. m.,

On motion of Mr. A. Tuttle,

The House adjourned.

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### WEDNESDAY, FEBRUARY 21, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Martin.

The minutes of yesterday were read and approved.

Mr. Nash presented the petition of sundry inhabitants of the town of Chemung in Chemung county, praying for a law to annex a part of that town to the town of Southport in said county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Raynor presented two several petitions of sundry citizens of the city of Buffalo, praying for an appropriation for the Buffalo Hospital of the Sisters of Charity, which were read and referred to the committee on medical colleges and societies.

Mr. B. Thompson presented the petition of the officers and privates of the 65th regiment of the New-York State militia, for an amendment of the militia laws of this State, which was read and referred to the committee on the militia.

Mr. Wells presented the petition of sundry inhabitants of Warren and Hamilton counties for a law appointing commissioners to lay out a road from Kenyon town road in Athol or Johnsburch in Warren co., to the town of Wells in Hamilton county, which was read and referred to the committee on roads and bridges.

Mr. Quackenboss presented the petition of sundry citizens of Steuben county for a law to tax the property of non-resident aliens, which was read and referred to the committee on the judiciary.

Mr. Richards presented two several remonstrances of sundry inhabitants of the county of Wyoming against amending the charter of

the Attica and Hornellsville railroad, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Carver presented two several petitions of sundry inhabitants of the counties of Clinton and Essex, for a law authorising the erection of a bridge across Lake Champlain, at Rouse's point, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. A. Gilbert and Mr. Disoway presented two several petitions of sundry citizens of the city of New-York, praying for the removal of the quarantine from Staten Island, which were read and referred to the committee on commerce and navigation.

Mr. Button presented two several petitions of sundry inhabitants of Cayuga county, praying for a law prohibiting entirely the sale of intoxicating liquors as a beverage, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Fish presented the petition of Henry C. Cady, praying for an act authorising the appraisal and payment of certain damages occasioned by the breaking of a canal contract on the part of the State, which was read and referred to the committee on claims.

Mr. Fish presented the petition of sundry citizens of Montgomery county for the establishment of free schools throughout the State, which was read and referred to the committee on colleges, academies and common schools.

Mr. W. S. Smith presented five several petitions of sundry inhabitants of Queens co., praying for the incorporation of the New-York Association for the improvement of the breed of horses, which were read and referred to the committee on agriculture.

Mr. A. Tuttle presented three several petitions of sundry inhabitants of the counties of Schoharie and Greene, praying for the erection of a new county from parts of Greene, Schoharie, and Delaware counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Noble presented the remonstrance of sundry citizens of Chenango co., against the erection of the proposed new county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Pease presented the petition of sundry citizens of the county of Lewis, praying for a law requiring the sale of lands sold for taxes, to be held in the counties in which such lands are situated, which was read and referred to the select committee on that subject.

Mr. Markel presented the remonstrance of sundry inhabitants of the county of Seneca, against any law authorising railroads to carry fresh provisions and live stock without the payment of tolls, which was read and referred to the committee on canals.

Mr. Pease presented the petition of sundry inhabitants of the county of Lewis, praying that so much of the surplus revenue applicable to the completion of unfinished canals, may be appropriated to the construction of the Black River canal, as may be necessary to complete the same from the High Falls to Rome, which was read and referred to the committee on canals.

Mr. Hale presented fourteen several petitions of sundry inhabitants of Allegany and Steuben, praying for the erection of a new county from parts of said counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Quackenboss and Mr. Willard presented two several remonstrances from sundry inhabitants of Steuben and Allegany counties, against the erection of a new county from parts of said counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Speaker presented the resolutions of the common council of the city of Troy, remonstrating against bridging Lake Champlain, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Mowry presented two several petitions of sundry inhabitants of Washington co., praying for a law declaring the public utility of a railroad from Troy to Vermont line, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. White presented the petition of the board of education of the village of Lockport, asking for an act directing the Secretary of state to deliver to them a copy of the Natural History of this state, which was read and referred to joint library committee.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the city of Brooklyn, for an act to authorise the construction of a canal in said city, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the construction of a canal in the city of Brooklyn for drainage and for other purposes," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Fiske,

*Ordered*, That the said bill be referred to a select committee consisting of the Kings county delegation, to report complete.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation of villages,' passed Dec. 7, 1847, so far as relates to the village of Cohoes," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Van Orden from the committee on the incorporation of cities and villages, to which was referred the engrossed bill from the Senate entitled "An act to amend an act entitled 'An act to extend Third street in the village of Jamestown to Second street, passed April, 10, 1848,'" reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Van Orden from the committee on public printing, to which



was referred the motion to print five times the usual number of the report of the select committee on the bill entitled "An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to lake Champlain," reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That five times the usual number of said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Brewer from the committee on state prisons to which was referred the engrossed bill from the Senate entitled "An act fixing the fees of sheriffs for transporting convicts to the state prisons," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. W. S. Smith, from the committee on ways and means, to which was referred the bill entitled "An act to release the estate of David Burt from the payment of a judgment held by the state," asked that said committee be discharged from the further consideration thereof, and moved that the same be referred to the committee on public lands.

Mr. Speaker put the question whether the house would agree to the said report, and it was determined in the affirmative.

Mr. L. Ward Smith from the committee on grievances, to which was referred the engrossed bill from the Senate entitled "An act authorising the payment of a sum of money to John Camerlon for giving information of an escheat," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Nash from the committee on the erection and division of towns and counties, which was referred the petition of sundry inhabitants of Sparta and North Dansville, praying that a part of the former town be annexed to the latter, reported, and asked, and obtained leave to bring in a bill entitled "An act to annex a part of the town of Sparta to the town of North Dansville," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole House.

Mr. Fitzhugh from the committee on canals, to which was referred the engrossed bill from the Senate entitled "An act to pay Enos Steele for constructing a ditch from Skajaquady creek to Cornelius creek, and bridges over the same, and strengthening and deepening Cornelius creek in the town of Black Rock," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

On motion of Mr. Cross,

*Ordered*, That the said bill be referred to the first committee of the whole which may be in session.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of Peter J. Wagner, Elias Stilwell and Henry P. Voorhees for damages caused by the enlargement of the Erie canal, reported, and asked, and obtained leave to bring in a bill entitled "An act to provide for the appraisal and payment of canal damages to John H. Babcock, Leander Fox and others," which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Fitzhugh from the committee on canals to which was referred the petition of John W. Haun for a law authorising the building of a farm bridge over the Erie canal in the county of Montgomery, reported, and asked to be discharged from the further consideration of the said petition.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of inhabitants of Oswego county for a law to make the Oswego falls bridge a free bridge, reported and asked and obtained leave to introduce a bill, entitled "An act to raise money by tax to purchase, improve and make free the Oswego falls bridge," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of inhabitants of Cairo and Greenville in the county of Greene, for a law to amend the charter of the Cairo Bridge company, reported and asked and obtained leave to introduce a bill, entitled "An act to amend an act to amend and extend the charter of the Cairo Bridge company, passed April 6, 1835," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Carver from the committee on commerce and navigation, to which was referred the bill, entitled "An act to make the offices of health officer and deputy health officer of the port of New-York salaried offices," reported that the committee had gone through said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Taylor from the committee on aliens, to which was referred the petition of Barnard Brainard, an alien, asking for relief, reported against the prayer of the petitioner and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Taylor from the committee on aliens, to which was referred the petition of Mary McNulty and Jane Coughlin, aliens, asking for certain relief, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. L. Ward Smith, from the select committee, to which was referred so much of the Governor's message as relates to the sale of lands returned for unpaid taxes in the counties where such lands lie, together with numerous petitions on the same subject, reported and asked and obtained leave to introduce a bill, entitled "An act to provide for the sale of lands for taxes hereafter assessed in the counties where such lands are situated," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Rose moved that five times the usual number of the said report and that three times the usual number of the said bill be printed for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. Pruyn from the select committee to which was referred the bill, entitled "An act to amend the charter of the city of Albany in relation to the number and manner of electing the assessors for said city," to report complete, reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Wing from the committee on medical colleges and societies to which was referred the petition of the Buffalo Hospital of the Sisters of Charity for an appropriation, reported, and asked and obtained leave to introduce a bill, entitled "An act making an appropriation to the Buffalo Hospital of the Sisters of Charity," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Averill, from the committee on roads and bridges, to which was referred the bill, entitled "An act in relation to plank road companies," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bills entitled as follows, to wit:

"An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city."

"An act to authorise Isabella Gilchrist to hold and convey real estate."

And found the same correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. St. John from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of Otsego, for an amendment of the law for the protection of pike or pickerel in said county, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act for the preservation of pike and pickerel and other fish in sundry ponds and other waters, passed April 16, 1822," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Pierce, from the committee on public printing, to which was referred the motion to print five times the usual number of the message of the Governor, and the papers accompanying the same, relating to a new form of government adopted by the Seneca nation of Indians, reported, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That five times the usual number of the said message, &c., be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Cross, and by unanimous consent,

*Resolved*, That the bill entitled "An act authorising the reappraisal and payment of canal damages to Nirum Abbott," be referred to the committee of the whole having in charge the bill entitled "An act to authorise the Fultonville and Johnstown Plank Road Company to erect a bridge over the Mohawk river between Fultonville and Fonda."

The annual report of the governors of the New-York Hospital was received, and referred to the committee on medical colleges and societies.

The report of the Canal Commissioners, in answer to a resolution of this House, in relation to the expense of bringing into use one set of enlarged locks between Syracuse and Buffalo, was received, and referred to the committee on canals.

(See Doc. No. 116.)

The engrossed bill, entitled "An act to establish a court of special sessions in and for the city of Albany, and to confer further judicial powers upon the recorder of said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{	AYES	87	}
{	NAYS	00	}

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Gove	Mr. Rockwell
Mr. Averill	Mr. Green	Mr. Rose
Mr. Bagley	Mr. Guernsey	Mr. Rounseville
Mr. Barber	Mr. Hale	Mr. St. John
Mr. Beekman	Mr. Hall	Mr. Slocum
Mr. Bellinger	Mr. Harmon	Mr. Smalley
Mr. Boardman	Mr. Hoyt	Mr. W. S. Smith
Mr. Bogart	Mr. M. Johnson	Mr. Speaker
Mr. Boyce	Mr. Kelsey	Mr. Stevens
Mr. Brinkerhoff	Mr. Kennedy	Mr. Stevenson
Mr. Brewer	Mr. Kidd	Mr. Stewart
Mr. Budd	Mr. McKinney	Mr. Strever
Mr. Bull	Mr. McLean	Mr. Sweet
Mr. Button	Mr. McNeal	Mr. Taylor
Mr. L. Butts	Mr. Miller	Mr. Terry
Mr. Buxton	Mr. Moffatt	Mr. B. Thompson
Mr. Campbell	Mr. Mowry	Mr. A. Tuttle
Mr. Carver	Mr. Pardee	Mr. Van Orden
Mr. Crispell	Mr. Pease	Mr. Ward
Mr. Crittenden	Mr. Perley	Mr. Wells
Mr. Cross	Mr. Picket	Mr. Wheaton
Mr. Culbert	Mr. Pierce	Mr. White
Mr. Curtis	Mr. Pruyn	Mr. Willard
Mr. Danforth	Mr. Quackenboss	Mr. Wilcox
Mr. Disosway	Mr. Raynor	Mr. Wing
Mr. Fish	Mr. Richards	Mr. Wisewell
Mr. Fiske	Mr. Roblee	Mr. Woodruff
Mr. Fitzhugh	Mr. A. Robertson	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to provide for the completion of the Normal School building," was read a third time.

Mr. Carver moved to refer the bill to the committee on ways and means, with instructions to report the bill amended so as to provide for the sale of the Normal School building and property by the Commissioners of the Land Office, and apply the proceeds towards the support of the Clinton prison.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Carver, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 70 }  
{ NAYS 13 }

Those who voted in the affirmative are,

Mr. Averill	Mr. Green	Mr. Rose
Mr. Bagley	Mr. Hale	Mr. Rounseville
Mr. Bailey	Mr. Hall	Mr. St. John
Mr. Barber	Mr. M. Johnson	Mr. Slocum
Mr. Beekman	Mr. Kelsey	Mr. L. Ward Smith
Mr. Bellingier	Mr. Kennedy	Mr. W. S. Smith
Mr. Boardman	Mr. McK nney	Mr. Stevens
Mr. Bogart	Mr. McL'an	Mr. Stevenson
Mr. Boyce	Mr. McNeal	Mr. Strever
Mr. Brewer	Mr. Markel	Mr. Sweet
Mr. Bull	Mr. Miller	Mr. Terry
Mr. Crispell	Mr. Mowry	Mr. B. Thompson
Mr. Crittenden	Mr. Nash	Mr. A. Tuttle
Mr. Cross	Mr. Pardee	Mr. Van Orden
Mr. Culbert	Mr. Pease	Mr. Varnum
Mr. Curtis	Mr. Perley	Mr. Ward
Mr. Danforth	Mr. Pierce	Mr. Wells
Mr. Disosway	Mr. Pruyn	Mr. Wheaton
Mr. Elderkin	Mr. Quackenboss	Mr. Willard
Mr. Fish	Mr. Raynor	Mr. Wilcox
Mr. Fiske	Mr. Richards	Mr. Wing
Mr. Fitzhugh	Mr. A. Robertson	Mr. Wisewell
Mr. L. M. Gilbert	Mr. W. H. Robertson	Mr. Woodruff
Mr. Gove		

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Those who voted in the negative are,

Mr. B. Allen	Mr. Buxton	Mr. Hoyt
Mr. Budd	Mr. Campbell	Mr. Moffatt
Mr. Button	Mr. Cornell	Mr. Roblee
Mr. L. Butts	Mr. Harmon	Mr. Smalley
Mr. W. Butts		

13

Ordered, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill, entitled "An act to authorise Isabella Gilchrist to hold and convey real estate," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 80 }  
{ NAYS 06 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Roblee
Mr. H. J. Allen	Mr. Gove	Mr. A. Robertson

Mr. Averill	Mr. Green	Mr. W. H. Robertson
Mr. Barber	Mr. Guernsey	Mr. Rockwell
Mr. Beekman	Mr. Hale	Mr. St. John
Mr. Bellingher	Mr. Hall	Mr. Slocum
Mr. Boardman	Mr. Harmon	Mr. Smalley
Mr. Bogart	Mr. Hoyt	Mr. Speaker
Mr. Boyce	Mr. M. Johnson	Mr. Stevens
Mr. Brinkerhoff	Mr. Kelsey	Mr. Stevenson
Mr. Brewer	Mr. Kennedy	Mr. Stewart
Mr. Budd	Mr. Kidd	Mr. Strever
Mr. Bull	Mr. McKinney	Mr. Sweet
Mr. Button	Mr. McLean	Mr. Taylor
Mr. L. Butts	Mr. McNeal	Mr. Terry
Mr. Buxton	Mr. Miller	Mr. B. Thompson
Mr. Campbell	Mr. Moffatt	Mr. A. Tuttle
Mr. Carver	Mr. Mowry	Mr. Van Orden
Mr. Crispell	Mr. Nash	Mr. Varnum
Mr. Crittenden	Mr. Pardee	Mr. Ward
Mr. Cross	Mr. Pease	Mr. Wheaton
Mr. Culbert	Mr. Perley	Mr. White
Mr. Curtis	Mr. Picket	Mr. Wilcox
Mr. Danforth	Mr. Pierce	Mr. Wing
Mr. Disosway	Mr. Quackenboss	Mr. Wisewell
Mr. Elderkin	Mr. Raynor	Mr. Woodruff
Mr. Fish	Mr. Richards	

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Those who voted in the negative are,

Mr. Fiske	Mr. Rose	Mr. Wells
Mr. Fitzhugh	Mr. W. S. Smith	Mr. Willard

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Wing,

*Resolved*, That the bill, entitled "An act to amend the Revised Statutes in relation to sales at auction," be referred to the first committee of the whole which may be in session.

Mr. Willard offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the standing committee on militia and public defence, be requested to report to this House the expediency of creating a State honorary medal, to be inscribed with suitable devices as an emblem of honor to be conferred upon all such officers and soldiers in army or navy as may be deemed sufficiently meritorious to be entitled to such honor, and who may be citizens of this State.

*Ordered*, That the said resolution be laid upon the table.

Mr. Button offered for the consideration of the House a preamble and resolution in the words followings, to wit:

WHEREAS, Salem Town of Aurora, Cayuga county, has for half a century battled with ignorance successfully, and has during all that time and still continues to "learn the young idea how to shoot," and has written several books on education; therefore,

*Resolved*, That as a token of the high regards that his industry, integrity, ability has won him by every lover of peace, a gold medal be presented to him with a suitable emblem as a reward for honest industry and sterling worth.

*Ordered*, That the said resolution be laid on the table.

On motion of Mr. Culbert,

*Resolved*, That the petition of Logan, Barron and Stuart for canal claims be taken from the files of the last House of Assembly and be referred to a select committee.

*Ordered*, That Mr. Culbert, Mr. Stevenson, Mr. Wells, Mr. Wheaton and Mr. Fish be such committee.

On motion of Mr. Varnum,

*Resolved*, That the bill, entitled "An act to amend an act entitled an act for the establishment and regulation of the police of the city of New-York, passed May 13, 1846," be made the special order for Monday next.

On motion of Mr. Woodruff,

*Resolved*, That the bill, entitled "An act to establish the Union Free School in the village of Dansville," be referred to the committee on colleges, academies and common schools, to report complete.

On motion of Mr. Beekman,

*Resolved*, That the bill entitled "An act to amend an act to incorporate the trustees of the Yorkville school in the Twelfth Ward of the city of New-York, passed April 2, 1827," be referred to the committee of the whole which may be first in session.

On motion of Mr. Rose,

*Resolved*, That the committee on the militia and public defence be instructed to inquire whether it would not be for the public interest to abolish the greater number of the arsenals of this state; and to report to this House which ought to be abolished and which continued.

On motion of Mr. Curtis,

*Resolved*, That the memorial of the chiefs and warriors of the Cayuga Indians, residing in Canada West, be referred to the Commissioners of the Land Office, and that they be respectfully requested to furnish this House with a statement of the several treaties or contracts that have been made from time to time by the state, with said Indians. And further report whether any existing contract now in force by and between the said contracting parties makes it obligatory on the part of the state to pay any portion of the annuities now due the said Indians, or any party, bands or individuals thereof, residing without the jurisdiction of the United States.

In pursuance of previous notice Mr. W. Butts asked for and obtained leave to bring in a bill entitled "An act to repeal the law exempting certain property of clergymen from taxation;" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice Mr. Wheaton asked for and obtained leave to bring in a bill entitled "An act to amend an act to provide for the incorporation of religious societies, passed April 5,



1813," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice Mr. Bailey asked for and obtained leave to bring in a bill entitled "An act authorising surrogates to invest surplus monies arising from sale of real estate in certain cases," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

Mr. Beekman gave notice that he would at an early day ask leave to introduce a bill for the protection of life at the New York ferries.

On motion of Mr. W. S. Smith,

*Resolved*, That a respectful message be transmitted to the Senate, requesting them to transmit to this House the petitions and papers on file authorising the canal commissioners to build a bridge across the Erie canal in the village of Medina, and that the same when received be referred to the committee on canals

The House then resolved itself into a committee of the whole on the bills entitled as follows, to wit:

The engrossed bill from the Senate entitled "An act in relation to pardons."

"An act to amend the Revised Statutes in relation to auction sales."

"An act to amend an act to incorporate the trustees of the Yorkville school in the twelfth ward of the city of New-York, passed April 2, 1827."

The engrossed bill from the Senate entitled "An act to pay Eos Steele for constructing a ditch from Skajaquady to Cornelius creek, and bridges over the same, and straightening and deepening Cornelius creek in the town of Black Rock."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pardee from said committee, reported that the committee had gone through the three last mentioned bills, and agreed to the same without amendment, which report was agreed to

*Ordered*, That the said bills be engrossed for its third reading.

Mr. Pardee from the same committee reported progress on the first mentioned bill, and asked for and obtained leave to sit again.

By unanimous consent,

The engrossed bill, entitled "An act to amend the Revised Statutes in relation to sales at auction," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 85 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen

Mr. Fitzhugh  
Mr. L. M. Gilbert

Mr. W. H. Robertson  
Mr. Rockwell

Mr. Averill	Mr. Gove	Mr. Rose
Mr. Bagley	Mr. Green	Mr. Rounseville
Mr. Bailey	Mr. Guernsey	Mr. St. John
Mr. Barber	Mr. Hall	Mr. Slocum
Mr. Beekman	Mr. Harmon	Mr. Smalley
Mr. Bellinger	Mr. Hoyt	Mr. L. Ward Smith
Mr. Boardman	Mr. M. Johnson	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Kelsey	Mr. Speaker
Mr. Brewer	Mr. Kennedy	Mr. Stevens
Mr. Budd	Mr. Kidd	Mr. Stevenson
Mr. Bull	Mr. McKinney	Mr. Stewart
Mr. Button	Mr. McLean	Mr. Strever
Mr. L. Butts	Mr. Markel	Mr. Sweet
Mr. W. Butts	Mr. Miller	Mr. B. Thompson
Mr. Buxton	Mr. Moffatt	Mr. A. Tuttle
Mr. Campbell	Mr. Mowry	Mr. Van Orden
Mr. Carver	Mr. Nash	Mr. Varnam
Mr. Crispell	Mr. Pardee	Mr. Ward
Mr. Crittenden	Mr. Pease	Mr. Wells
Mr. Cross	Mr. Perley	Mr. Wheaton
Mr. Culbert	Mr. Picket	Mr. White
Mr. Curtis	Mr. Pruyn	Mr. Willard
Mr. Danforth	Mr. Raynor	Mr. Wilcox
Mr. Disosway	Mr. Richards	Mr. Wisewell
Mr. Elderkin	Mr. Roblee	Mr. Woodruff
Mr. Fish	Mr. A. Robertson	Mr. Young
Mr. Fiske		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

By unanimous consent,

The engrossed bill from the Senate, entitled "An act to pay Enos Steele for constructing a ditch from Skajaquady to Cornelius creeks and bridges over the same, and straightening and deepening Cornelius creek in the town of Black Rock," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. A. Robertson
Mr. H. J. Allen	Mr. Gove	Mr. W. H. Robertson
Mr. Averill	Mr. Green	Mr. Rose
Mr. Bagley	Mr. Guernsey	Mr. Rounseville
Mr. Bailey	Mr. Hall	Mr. St. John
Mr. Barber	Mr. Harmon	Mr. Slocum

Mr. Beekman	Mr. Hoyt	Mr. Smalley
Mr. Bellinger	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Boardman	Mr. Kelsey	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Kennedy	Mr. Speaker
Mr. Brewer	Mr. Kidd	Mr. Stevens
Mr. Budd	Mr. Leavenworth	Mr. Stevenson
Mr. Bull	Mr. McKinney	Mr. Strever
Mr. L. Butts	Mr. McLean	Mr. Taylor
Mr. W. Butts	Mr. McNeal	Mr. Terry
Mr. Buxton	Mr. Markel	Mr. B. Thompson
Mr. Campbell	Mr. Marsh	Mr. A. Tuttle
Mr. Carver	Mr. Miller	Mr. Van Orden
Mr. Clark	Mr. Moffatt	Mr. Varnum
Mr. Cornell	Mr. Mowry	Mr. Vincent
Mr. Crispell	Mr. Nash	Mr. Ward
Mr. Crittenden	Mr. Noble	Mr. Wells
Mr. Curtis	Mr. Pardee	Mr. Wheaton
Mr. Culbert	Mr. Pease	Mr. White
Mr. Curtis	Mr. Perley	Mr. Willard
Mr. Danforth	Mr. Picket	Mr. Wilcox
Mr. Disosway	Mr. Pierce	Mr. Wing
Mr. Elderkin	Mr. Pruyn	Mr. Wisewell
Mr. Fish	Mr. Quackenboss	Mr. Woodruff
Mr. Fiske	Mr. Raynor	Mr. Young
Mr. Fitzhugh	Mr. Roblee	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend an act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. W. H. Robertson from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments.

Mr. McLean moved said bill be referred to a select committee to report complete.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. McLean, and it was determined in the affirmative.

*Ordered*, That Mr. McLean, Mr. Woodruff and Mr. Sweet be such select committee.

The House then resolved itself into a committee of the whole on the bill entitled "An act in relation to the compensation of the treasurer of the county of Monroe," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. B. Thompson from said committee, reported that the committee had gone through said bill and agreed the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to incorporate the Farmers' Mutual Insurance Company of Erie county, passed May 14, 1845," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Kidd from said committee, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend article third, of title first, of chapter eighth, of part second of the Revised Statutes, entitled of divorces, dissolving the marriage contract," and after sometime spent thereon Mr. Speaker resumed the chair, and Mr. Campbell from said committee reported progress and asked leave to sit again.

Mr. Pruyn moved the said bill be made the special order for Friday afternoon at four o'clock.

Mr. Boughton moved to amend the motion of Mr. Pruyn by making the bill a special order for Monday at four o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Boughton, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bills entitled as follows:

"An act to authorise the Fultonville and Johnstown Plank Road Company to erect a bridge across the Mohawk river, between Fultonville and Fonda."

"An act authorising the reappraisal and payment of canal damages to Nirum Abbott."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pruyn from said committee, reported progress on said first mentioned bill, and asked for and obtained leave to sit again.

Mr. Pruyn from the same committee reported that the committee had gone through said last mentioned bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Buxton moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Buxton, and it was determined in the negative.

Mr. Fitzhugh moved the House do reconsider its vote making the bill entitled "An act to amend article third, of title first, of chapter eighth, of part second of the Revised Statutes, entitled of divorces dissolving the marriage contract," a special order for Friday afternoon.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fitzhugh, and it was determined in the affirmative.

Mr. Fitzhugh moved that the said bill be made the special order for Tuesday afternoon at four o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fitzhugh, and it was determined in the affirmative.

By unanimous consent,

The engrossed bill from the Senate entitled "An act authorising the reappraisal and payment of canal damages to Nirum Abbott," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. A. Robertson
Mr. H. J. Allen	Mr. Gove	Mr. W. H. Robertson
Mr. Averill	Mr. Green	Mr. Rockwell
Mr. Bailey	Mr. Guernsey	Mr. Rose
Mr. Barber	Mr. Hale	Mr. Rounseville
Mr. Beekman	Mr. Hall	Mr. St. John
Mr. Bellingher	Mr. Harmon	Mr. Slocum
Mr. Boardman	Mr. Hoyt	Mr. Smalley
Mr. Bogart	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Kelsey	Mr. W. S. Smith
Mr. Brewer	Mr. Kennedy	Mr. Stevens
Mr. Budd	Mr. Leavenworth	Mr. Stevenson
Mr. Bull	Mr. McKinney	Mr. Strever
Mr. Button	Mr. McLean	Mr. Sweet
Mr. L. Butts	Mr. McNeal	Mr. Taylor
Mr. W. Butts	Mr. Marsh	Mr. Terry
Mr. Buxton	Mr. Miller	Mr. A. Tuttle
Mr. Campbell	Mr. Moffatt	Mr. Van Orden
Mr. Carver	Mr. Mowry	Mr. Varnum
Mr. Clark	Mr. Nash	Mr. Vincent
Mr. Crispell	Mr. Noble	Mr. Ward
Mr. Crittenden	Mr. Pease	Mr. Wells
Mr. Cross	Mr. Perley	Mr. Wheaton
Mr. Culbert	Mr. Picket	Mr. White
Mr. Curtis	Mr. Pruyn	Mr. Willard
Mr. Danforth	Mr. Quackenboss	Mr. Wilcox
Mr. Elderkin	Mr. Raynor	Mr. Wisewell
Mr. Fish	Mr. Richards	Mr. Woodruff
Mr. Fiske	Mr. Roblee	Mr. Young
Mr. Fitzhugh		

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

And then at 2 o'clock, p. m.,

On motion of Mr. Buxton,  
The House adjourned.

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## FRIDAY, FEBRUARY 23, 1849.

The House met pursuant to adjournment.

The minutes of Wednesday were read and approved.

Mr. Nash presented the petition of sundry inhabitants of the town of Southport in the county of Chemung, praying that a part of the town of Chemung may be annexed to said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Bagley presented the petition of Wooster Sherman and Loveland Paddock against any alteration in the present laws in relation to banking, which was read and referred to the committee on banks and insurance companies.

Mr. Wing presented the memorial of the mayor and commonalty of the city of Albany for the establishment of a State Hospital in said city, which was read and referred to the committee on medical societies and colleges.

Mr. Harmon presented the petition of the Baptist church and society of Pittsford in Monroe co., for a law authorising them to sell their parsonage, which was read and referred to the committee on charitable and religious societies.

Mr. Harmon presented the petition of sundry inhabitants of Monroe co., for a law abolishing the mayor's court in the city of Rochester, which was read and referred to the committee on the judiciary.

Mr. Varnum presented the petition of sundry citizens of Erie co. for a railroad from Buffalo to Hornellsville, which was read and referred to the committee on railroads.

Mr. W. S. Smith presented the petition of the supervisor of Newtown in the county of Queens, for a law authorising that town to sell a part of their common lands.

On motion of Mr. Stewart,

*Ordered*, That the said petition be referred to a select committee.

*Ordered*, That Mr. W. S. Smith, Mr. Rose and Mr. Miller be such select committee.

Mr. W. S. Smith presented eleven petitions of citizens of Queens co., for an act incorporating an association for the improvement of the breed of horses, which were read and referred to the committee on agriculture.

Mr. Mersereau presented the petition of certain trustees of the

village of Corning in the county of Steuben for an act to confirm their official acts in relation to the incorporation of said village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Mersereau presented the petition of sundry citizens of the county of Steuben, praying for a law to tax debts due non-resident aliens, which was read and referred to the committee on the judiciary.

Mr. Quackenboss presented the petition of the commissioners of highways of the town of Prattsburgh, praying for a law legalizing the highways of that town, which was read and referred to the committee on roads and bridges.

Mr. Campbell presented the petition of John B. Stevens, surviving executor of the last will and testament of Ellen O'Brien, deceased, praying that the title to certain lands in the village of Williamsburgh may be confirmed to him as such executor, which was read and referred to the committee on the judiciary.

Mr. Markel presented the remonstrance of sundry inhabitants of the county of Albany, against authorising railroads to carry live stock and fresh provisions free of tolls, which was read and referred to the committee on canals.

Mr. Noble presented the petition of five supervisors of the county of Montgomery, for leave to withdraw their names from a petition to authorise the Johnstown and Fultonville Plank Road Company to bridge the Mohawk, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Noble presented the remonstrance of two supervisors of Montgomery co., against any law to modify the charter of the Caughnawaga Bridge Company, which was read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Rockwell, Harmon, Glass, Wells and Elwood presented five several petitions of sundry citizens of this State, for a law to prohibit the sale of intoxicating liquors as a beverage, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Gove and Mr. Elderkin presented two several petitions of certain inhabitants of St. Albans, in the state of Vermont, and of St. Lawrence co., for a law authorising the Northern Railroad Company to bridge Lake Champlain near Rouse's Point, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. Ward Smith presented the petition of sundry citizens of Rochester, for a law limiting the taxing power of the corporation of that city, which was read and referred to the committee on the judiciary.

Mr. Clark presented the resolutions of a public meeting of sundry citizens held in Chenango co., against the present code of procedure, which were read and referred to the committee on the judiciary.

Mr. A. Robertson presented the petition of A. Travis, for an aque-

duct in the vicinity of the Fort Miller bridge, which was read and referred to the committee on canals.

Mr. W. S. Smith presented two several remonstrances of sundry citizens of the county of Queens, against the incorporation of the association for the improvement of the breed of horses, which were read and referred to the committee on agriculture.

Mr. Sweet presented the petition of sundry citizens of Tioga co., for the establishment of a professorship of agricultural science in the New-York Central College, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Ward presented the petition of sundry inhabitants of the county of Genesee, for the abolishment of tolls on fresh provisions and live stock conveyed on railroads, which was read and referred to the committee on canals.

Mr. Van Orden presented the petition of seventy mercantile firms of the city of New-York, for a law to relieve insolvent debtors and divide their effects, which was read and referred to the committee on the judiciary.

Mr. Vincent presented the petition of sundry citizens of the county of Dutchess, for the appointment of a committee to inquire into the official conduct of the surrogate of that county, which was read and referred to the committee on the judiciary.

Mr. Disosway presented the petition of sundry citizens of the town of Northfield, in the county of Richmond, for an act authorising the commissioners of highways of that town to lease certain town property, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Speaker presented the petition of sundry citizens of Rensselaer co., for aid to the Orphan Asylum of the city of Troy, which was read and referred to the committee on charitable and religious societies.

Mr. Varnum presented the petition of sundry citizens of Wyoming co., for a railroad from Buffalo to Hornellsville, which was read and referred to the committee on railroads.

Mr. L. Ward Smith presented the petition of sundry students of Hamilton College, for an act incorporating the Union Society of that institution, which was read and referred to the committee on colleges, academies and common schools.

Mr. Willard presented the petition of the stockholders of the Friendship Academy, in the county of Allegany, for a loan to that institution, which was read and referred to the committee on colleges, academies and common schools.

Mr. Markel presented the petition of sundry inhabitants of the village of Ovid, in the county of Seneca, for the revival of the charter of that village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Speaker presented the petition of sundry inhabitants of the village of Lansingburgh, for an act amending the charter of said village, which was read and referred to the committee on the incorporation of cities and villages.



Mr. Woodruff presented the petition of sundry citizens of Dansville for the payment of certain claims for the construction of the Dansville slip and basin, which was read and referred to the committee on claims.

Mr. Boughton presented the petition of sundry mechanics of the city of New-York, for the removal of the quarantine from Staten Island, which was read and referred to the committee on commerce and navigation.

Mr. Harmon and Mr. Porter presented two petitions of sundry citizens of the counties of Monroe and Ontario for the sale of lands sold for taxes in the counties in which such lands are situated, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Brewer presented the remonstrance of sundry citizens of New-York, against the passage of an act in relation to the prison association of New-York city, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Pruyn presented the petition of merchants and citizens of Albany in favor of extending the provisions of the Revised Statutes relative to sales at auction in the city of New-York to the city of Albany, also a remonstrance of numerous citizens against the same, which were read and laid on the table.

Mr. Sexton presented the remonstrance of inhabitants of Cobleskill in the county of Schoharie, against the abandonment of any portion of the Schoharie turnpike, which was read and laid on the table.

Mr. L. M. Gilbert presented seven remonstrances of sundry citizens of Delaware county against any new county from part of that county, which were read and referred to the committee on the erection and division of towns and counties.

Messrs. St. John, Noble, A. Tuttle Pease and Goff presented seven several remonstrances of citizens of the counties of Broome, Delaware and Otsego, against the erection of the proposed new county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Mersereau presented two remonstrances of sundry citizens of Steuben county, against any division of that county, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Hale presented two petitions of sundry inhabitants of the counties of Allegany and Steuben, for a new county from parts of the said counties, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Sexton presented the remonstrance of sundry citizens of Cobleskill against the division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows to wit :

"An act to amend an act to incorporate the trustees of the Yorkville school in the twelfth ward of the city of New-York, passed April 2, 1827."

"An act in relation to the compensation of the treasurer of the county of Monroe."

"An act to amend the charter of the city of Albany, in relation to the number and manner of electing the assessors for the said city."

"An act to amend an act entitled 'An act to incorporate the Farmers Mutual Insurance Company, of Erie county,' passed May 14, 1845."

And found the same correctly engrossed.

*Ordered*, That the said bills be read a third time.

Mr. Curtiss from the committee on Indian affairs to which was referred the petition of Wm. Johnson and others of the Orchard Party of the Oneida Indians for relief from the sale of lands under the treaty of June 25, 1842, reported, and asked, and obtained leave to bring in a bill entitled "An act for the relief of the purchasers of the lands acquired from the Oneida Indians under treaty of June 1842," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Curtiss from the committee on Indian affairs, to which was referred the petition of Jenny Doxtater and Sophia Jorden, women of the Orchard party of Oneida Indians, for relief from the sale of lands under treaty of 1830, reported, and asked, and obtained leave to bring in a bill entitled "An act to pay Jenny Doxtater and Sophia Denny, Indian women for their interest in Oneida lands," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. W. S. Smith, from the select committee, to which was referred the petition of the supervisors of the town of Newtown, for a law authorising that town to sell a part of their common lands, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the town of Newtown to sell part of their common lands," which was read the first time, and by unanimous consent was also read a second.

On motion of Mr. W. S. Smith,

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Van Orden from a majority of the select committee to which was referred the bill entitled "An act to continue in office the commissioners on practice and pleadings," reported that the committee examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Fiske from the committee on commerce and navigation, to which was referred the bill entitled "An act to change the location of the marine hospital," reported that the committee had had said bill under consideration, made sundry amendments thereto, and altered the title so as to read "An act to provide against infectious and pestilential diseases, and to provide for the place of quarantine,"

and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of James Feelts and others, for damages for the destruction of a farm bridge over the Erie canal at Frankfort, reported, and asked and obtained leave to bring in a bill, entitled "An act to authorise the reappraisal and payment of canal damages to James Feelts," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

(See Doc. No. 119.)

Mr. Taylor, from the committee on the petitions of aliens, to which was referred the petition of Paul Armour, for a law to confirm in him the title of the estate of which John Armour died possessed, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Campbell from the committee on banks and insurance companies, to which was referred the bill entitled "An act to amend the charter of the Williamsburgh Fire Insurance Company," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to provide for the election of the justices of the justices' court in and for the city of Hudson," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The engrossed bill, entitled "An act to amend an act to incorporate the trustees of the Yorkville school in the twelfth ward of the city of New-York, passed April 2, 1827," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen

Mr. Fitzhugh  
Mr. A. Gilbert

Mr. Roblee  
Mr. A. Robertson

Mr. Bagley	Mr. L. M. Gilbert	Mr. W. H. Robertson
Mr. Barber	Mr. Glass	Mr. Rockwell
Mr. Beekman	Mr. Goff	Mr. Rose
Mr. Bellinger	Mr. Green	Mr. Rounseville
Mr. Boardman	Mr. Guernsey	Mr. St. John
Mr. Bogart	Mr. Hale	Mr. Sexton
Mr. Boughton	Mr. Hall	Mr. Skeel
Mr. Bowen	Mr. Harmon	Mr. Slocum
Mr. Boyce	Mr. M. Johnson	Mr. Smalley
Mr. Brinkerhoff	Mr. Kelsey	Mr. Stevens
Mr. Brewer	Mr. Kennedy	Mr. Stevenson
Mr. Budd	Mr. Kidd	Mr. Stewart
Mr. Bull	Mr. Leavenworth	Mr. Strever
Mr. Button	Mr. McKinney	Mr. Stryker
Mr. Buxton	Mr. Marsh	Mr. B. Thompson
Mr. Campbell	Mr. Mersereau	Mr. A. Tuttle
Mr. Carver	Mr. Miller	Mr. Van Orden
Mr. Clark	Mr. Moffatt	Mr. Varnum
Mr. Cornell	Mr. Mowry	Mr. Vincent
Mr. Crispell	Mr. Nash	Mr. Ward
Mr. Crittenden	Mr. Noble	Mr. Wells
Mr. Cross	Mr. Pardee	Mr. Wheaton
Mr. Culbert	Mr. Pease	Mr. White
Mr. Curtis	Mr. Perley	Mr. Willard
Mr. Danforth	Mr. Picket	Mr. Wilcox
Mr. Disosway	Mr. Pruyn	Mr. Wisewell
Mr. Elwood	Mr. Quackenboss	Mr. Woodruff
Mr. Fish	Mr. Raynor	Mr. Young
Mr. Fiske	Mr. Richards	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act in relation to the compensation of the treasurer of the county of Monroe," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. Roblee
Mr. H. J. Allen	Mr. Guernsey	Mr. A. Robertson
Mr. Bagley	Mr. Hale	Mr. W. H. Robertson
Mr. Barber	Mr. Hall	Mr. Rockwell
Mr. Beekman	Mr. Harmon	Mr. Rose
Mr. Bellinger	Mr. Hoyt	Mr. Rounseville
Mr. Boardman	Mr. M. Johnson	Mr. St. John

Mr. Bogart	Mr. Kelsey	Mr. Sexton
Mr. Brinkerhoff	Mr. Kennedy	Mr. Skeel
Mr. Brewer	Mr. Kidd	Mr. Smalley
Mr. Budd	Mr. Leavenworth	Mr. L. Ward Smith
Mr. Bull	Mr. McKinney	Mr. W. S. Smith
Mr. L. Butts	Mr. McLean	Mr. Stevens
Mr. Buxton	Mr. McNeal	Mr. Stevenson
Mr. Campbell	Mr. Markel	Mr. Stewart
Mr. Carver	Mr. Marsh	Mr. Strever
Mr. Clark	Mr. Mersereau	Mr. Stryker
Mr. Cornell	Mr. Miller	Mr. B. Thompson
Mr. Crispell	Mr. Moffatt	Mr. A. Tuttle
Mr. Crittenden	Mr. Mowry	Mr. Van Orden
Mr. Cross	Mr. Nash	Mr. Varnum
Mr. Culbert	Mr. Noble	Mr. Vincent
Mr. Curtis	Mr. Pardee	Mr. Ward
Mr. Disosway	Mr. Pease	Mr. Wells
Mr. Elwood	Mr. Perley	Mr. Wheaton
Mr. Fiske	Mr. Picket	Mr. White
Mr. Fitzhugh	Mr. Pierce	Mr. Willard
Mr. A. Gilbert	Mr. Pruyn	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wisewell
Mr. Glass	Mr. Raynor	Mr. Woodruff
Mr. Goff	Mr. Richards	Mr. Young

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to amend the charter of the city of Albany, in relation to the number and manner of electing the assessors for the said city," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 95 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Roblee
Mr. H. J. Allen	Mr. Goff	Mr. A. Robertson
Mr. Averill	Mr. Gove	Mr. W. H. Robertson
Mr. Bagley	Mr. Green	Mr. Rockwell
Mr. Barber	Mr. Guernsey	Mr. Rose
Mr. Beekman	Mr. Hale	Mr. Rounseville
Mr. Bellinger	Mr. Hall	Mr. St. John
Mr. Boardman	Mr. Hoyt	Mr. Skeel
Mr. Bogart	Mr. M. Johnson	Mr. Slocum
Mr. Boyce	Mr. Kelsey	Mr. Smalley
Mr. Brinkerhoff	Mr. Kennedy	Mr. L. Ward Smith
Mr. Brewer	Mr. Kidd	Mr. W. S. Smith

Mr. Budd	Mr. McKinney	Mr. Stevens
Mr. Bull	Mr. McLean	Mr. Stevenson
Mr. Bush	Mr. McNeal	Mr. Stewart
Mr. Button	Mr. Markel	Mr. Strever
Mr. Buxton	Mr. Marsh	Mr. Stryker
Mr. Campbell	Mr. Mersereau	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. Van Orden
Mr. Cornell	Mr. Mowry	Mr. Varnum
Mr. Crispell	Mr. Nash	Mr. Vincent
Mr. Crittenden	Mr. Noble	Mr. Ward
Mr. Cross	Mr. Pardee	Mr. Wells
Mr. Culbert	Mr. Pease	Mr. Wheaton
Mr. Curtis	Mr. Perley	Mr. White
Mr. Danforth	Mr. Picket	Mr. Willard
Mr. Elwood	Mr. Porter	Mr. Wilcox
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Fitzhugh	Mr. Quackenboss	Mr. Woodruff
Mr. A. Gilbert	Mr. Raynor	Mr. Young
Mr. L. M. Gilbert	Mr. Richards	

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For the negative,

Mr. Harmon

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the town of New-town to sell part of their common lands," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 84 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. Bagley	Mr. L. M. Gilbert	Mr. Raynor
Mr. Bailey	Mr. Glass	Mr. Richards
Mr. Barber	Mr. Goff	Mr. Roblee
Mr. Beekman	Mr. Green	Mr. A. Robertson
Mr. Bellinger	Mr. Guernsey	Mr. W. H. Robertson
Mr. Boardman	Mr. Hale	Mr. Rockwell
Mr. Bogart	Mr. Hall	Mr. Rose
Mr. Bowen	Mr. Harmon	Mr. Rounseville
Mr. Brinkerhoff	Mr. M. Johnson	Mr. St. John
Mr. Brewer	Mr. Kelsey	Mr. Sexton
Mr. Budd	Mr. Kennedy	Mr. Skeel
Mr. Bull	Mr. Kidd	Mr. Slocum
Mr. Button	Mr. Leavenworth	Mr. Smalley
Mr. Buxton	Mr. McKinney	Mr. W. S. Smith

Mr. Campbell	Mr. McLean	Mr. Stevens
Mr. Carver	Mr. Markel	Mr. Stevenson
Mr. Clark	Mr. Marsh	Mr. Stewart
Mr. Cornell	Mr. Mersereau	Mr. Strever
Mr. Crispell	Mr. Miller	Mr. A. Tuttle
Mr. Cross	Mr. Moffatt	Mr. Varnum
Mr. Culbert	Mr. Mowry	Mr. Ward
Mr. Curtis	Mr. Nash	Mr. Wells
Mr. Danforth	Mr. Noble	Mr. Wheaton
Mr. Dodge	Mr. Pardee	Mr. Willard
Mr. Elwood	Mr. Pease	Mr. Wilcox
Mr. Fiske	Mr. Perley	Mr. Wisewell
Mr. Fitzhugh	Mr. Pruyn	Mr. Woodruff
Mr. A. Gilbert	Mr. Quackenboss	Mr. Young

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to amend an act entitled 'An act to incorporate the Farmers' Mutual Insurance Company of Erie county,' passed May 14, 1845," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 69 }  
 { NAYS 18 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Guernsey	Mr. Roblee
Mr. Averill	Mr. Hall	Mr. A. Robertson
Mr. Bagley	Mr. Harmon	Mr. W. H. Robertson
Mr. Bailey	Mr. M. Johnson	Mr. Rounseville
Mr. Barber	Mr. Kelsey	Mr. St. John
Mr. Bellinger	Mr. Kennedy	Mr. Sexton
Mr. Boardman	Mr. Kidd	Mr. Skeel
Mr. Bogart	Mr. Leavenworth	Mr. L. Ward Smith
Mr. Boyce	Mr. McKinney	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. McLean	Mr. Stevens
Mr. Budd	Mr. McNeal	Mr. Stevenson
Mr. Bull	Mr. Markel	Mr. Stewart
Mr. Campbell	Mr. Marsh	Mr. Stryker
Mr. Carver	Mr. Mersereau	Mr. B. Thompson
Mr. Clark	Mr. Miller	Mr. A. Tuttle
Mr. Crispell	Mr. Moffatt	Mr. Van Orden
Mr. Cross	Mr. Noble	Mr. Varnum
Mr. Curtis	Mr. Pardee	Mr. Wells
Mr. Danforth	Mr. Perley	Mr. White
Mr. Fish	Mr. Porter	Mr. Wilcox
Mr. A. Gilbert	Mr. Pruyn	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Raynor	Mr. Woodruff
Mr. Goff	Mr. Richards	Mr. Young

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Those who voted in the negative are,

Mr. Brewer	Mr. Gove	Mr. Smalley
Mr. Button	Mr. Green	Mr. Strever
Mr. Culbert	Mr. Nash	Mr. Vincent
Mr. Elwood	Mr. Pease	Mr. Ward
Mr. Fiske	Mr. Picket	Mr. Wheaton
Mr. Fitzhugh	Mr. Rose	Mr. Willard

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Mr. Fish moved the House reconsider its vote on the final passage of said bill.

Debate was had thereon, when

Mr. Fish withdrew his motion to reconsider.

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Boughton moved that the House reconsider its vote on the final passage of the bill, entitled "An act to amend the Revised Statutes in relation to sales at auction,"

Mr. Boughton moved that the said motion to reconsider be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Boughton and it was determined in the affirmative.

Mr. Dodge gave notice that he would ask leave to introduce a bill to amend the act entitled "An act for the relief of partners and joint debtors," passed April 18, 1838.

Mr. B. Thompson gave notice that he would at an early day introduce a bill to repeal an act entitled "An act in relation to the surplus waters of the canals," passed April 18, 1838.

Mr. Hale gave notice that at some early day he would ask leave to bring in a bill to repeal an act passed January 26, 1821, entitled "An act to perpetuate certain testimony respecting the title of the Pultney estate in this State."

Mr. Campbell gave notice that he would at an early day ask leave to introduce a bill in relation to liens on real estate and chattels real.

Mr. A. Gilbert gave notice that he would at some future day ask leave to introduce a bill to incorporate the New-York Hotel company.

Mr. Boughton gave notice that he would at an early day introduce a bill to authorise the erection of a town hall in the town of New Utrecht, Kings county.

Mr. Richards gave notice that he would ask leave at some future day to introduce a bill to authorise the inhabitants of joint school district number five in the town of Attica, in the county of Wyoming and the town of Alexander in the county of Genesee, to raise money to purchase a site and build a school house.

Mr. Wells gave notice that he would at some early day ask leave to introduce a bill providing for the improvement of the upper waters of the Hudson river.



On motion of Mr. Pruyn,

*Resolved*, That the clerk cause to be printed or purchased for the use of this House fifteen hundred copies of the address delivered before the State Medical Society by Dr. Alexander H. Stevens.

Mr. Danforth gave notice that he would at an early day introduce a bill prohibiting all obstructions to the navigable waters of the Hudson river to the detriment of Troy.

Mr. Budd gave notice that he would at an early day ask leave to introduce a bill to divide the town of Schodack, and erect a new town by the name of Taylor.

On motion of Mr. Stevenson,

*Resolved*, That the petition and papers of Robert McBride, asking for further remuneration on a canal contract, be taken from the files of the last House of Assembly, and referred to a select committee.

*Ordered*, Mr. Stevenson, Mr. Hale, Mr. McLean, Mr. Porter and Mr. Culbert be such committee.

In pursuance of previous notice, Mr. Nash asked for and obtained leave to bring in a bill entitled "An act to annex part of the town of Chemung to the town of Southport," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the erection and division of towns and counties.

Leave of absence was granted to Mr. L. Butts for ten days, to Mr. Hart for eight days, to Mr. Terry for seven days, and to Mr. Mowry for five days.

On motion of Mr. Sweet,

The House proceeded to the consideration of the bill entitled "An act to pay Marcus Brown, son and heir at law of Conrad Brown deceased, for property taken during the revolutionary war for the support of the army," and the question being on the motion to reconsider.

Debate was had thereon, when

Mr. Buxton moved the previous question, which motion having been seconded,

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the main question, it being whether the House would agree to reconsider its vote on the final passage of said bill, and it was determined in the negative.

{ AYES 60 }  
{ NAYS 29 }

Those who voted in the affirmative are,

Mr. Averill	Mr. Hale	Mr. Rockwell
Mr. Barber	Mr. Hall	Mr. Rose
Mr. Beekman	Mr. Hoyt	Mr. Rounseville
Mr. Boardman	Mr. M. Johnson	Mr. Sexton
Mr. Bogart	Mr. Kelsey	Mr. Skeel
Mr. Boughton	Mr. McKinney	Mr. Smalley
Mr. Bowen	Mr. McNeal	Mr. W. S. Smith
Mr. Boyce	Mr. Markel	Mr. Stevens

Mr. Brewer	Mr. Marsh	Mr. Stevenson
Mr. Budd	Mr. Miller	Mr. Stewart
Mr. Buxton	Mr. Nash	Mr. Strever
Mr. Campbell	Mr. Noble	Mr. Sweet
Mr. Carver	Mr. Pardee	Mr. Taylor
Mr. Crispell	Mr. Pease	Mr. B. Thompson
Mr. Cross	Mr. Perley	Mr. Van Orden
Mr. Danforth	Mr. Picket	Mr. Ward
Mr. Disosway	Mr. Porter	Mr. Wells
Mr. Elwood	Mr. Quackenboss	Mr. Willard
Mr. Fish	Mr. Richards	Mr. Wilcox
Mr. L. M. Gilbert	Mr. W. H. Robertson	Mr. Young

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Those who voted in the negative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. Moffatt
Mr. Bagley	Mr. A. Gilbert	Mr. Pierce
Mr. Bellinger	Mr. Glass	Mr. Roblee
Mr. Brinkerhoff	Mr. Goff	Mr. A. Robertson
Mr. Clark	Mr. Gove	Mr. St. John
Mr. Cornell	Mr. Green	Mr. Slocum
Mr. Culbert	Mr. Harmon	Mr. Stryker
Mr. Curtis	Mr. Kennedy	Mr. Wheaton
Mr. Dodge	Mr. Kidd	Mr. Wisewell
Mr. Fiske	Mr. Mersereau	

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Mr. Mersereau gave notice that he would at an early day ask leave to bring in a bill to supply the loss of evidence of proceedings for the incorporation of the village of Corning, and to constitute said village a separate road district.

On motion of Mr. Quackenboss,

*Resolved*, That all remonstrances against a division of the county of Steuben, and against the formation of a new county from any portion of its territory, be taken from the files of this House and referred to the standing committee on the erection and division of towns counties.

On motion of Mr. W. S. Smith,

*Resolved*, That the standing committee on banks and insurance companies be directed to enquire into the expediency of authorizing receivers of insolvent corporations to compromise all litigated claims against and in favor of such corporations upon such terms as shall be agreed upon by two-thirds in amount of the stockholders and creditors of such corporations, and if they deem it expedient to report a bill for that purpose without delay.

The House then again resolved itself into a committee of the whole on the bill entitled "An act to authorise the Fultonville and Johnstown Plank Road Company to erect a bridge across the Mohawk river between Fultonville and Fonda," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Pruyn from said committee reported progress, and asked for and obtained leave to sit again.

And then, at 2 o'clock p. m.,

On motion of Mr. Buxton,

The House adjourned.

## SATURDAY, FEBRUARY 24, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Wyckoff.

The minutes of yesterday were read and approved.

Mr. Crittenden presented two petitions of sundry inhabitants of the town of Carrollton in the county of Cattaraugus praying for a law to authorise the erection of a bridge across the Allegany river in said town, which were read and referred to the committee on roads and bridges.

Mr. Crittenden presented the petition of sundry inhabitants of the county of Cattaraugus for a law to equalize taxation, which was read and referred to the select committee on that subject.

Mr. Sexton presented the petition of sundry inhabitants of the town of Cobleskill, in the county of Schoharie, praying that a portion of that town be annexed to the town of Seward, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Disosway presented the petition of the trustees of the Seamen's Fund and Retreat of the city of New-York, for a grant of certain moneys belonging to the mariner's fund, to be used by them for the relief of distressed seamen and their families, which was read and referred to the committee on charitable and religious societies.

Mr. Barber presented two remonstrances of sundry inhabitants of the city of Albany against the proposed amendment of the Revised Statutes in relation to sales at auction, which were read and laid on the table.

Messrs. Hammond, Wells and Roblee presented five petitions of sundry citizens of this State praying for a law to prohibit the sale of intoxicating liquors as a beverage, which were read and referred to the committee on the internal affairs of towns and counties.

Messrs. Rockwell, Kennedy and A. Robertson, presented three several petitions of sundry citizens of this State, for the continuation of the Clinton prison, which were read and referred to the committee on state prisons.

Mr. Noble presented six several remonstrances of sundry citizens of Delaware county against the erection of the proposed new county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Dodge presented the petition of William Turner, late health commissioner, for payment of his compensation in arrear and due to him by the state, which was read and referred to the committee on claims.

Mr. Porter presented two several petitions of inhabitants of South Bristol and Richmond in the county of Ontario, for the repeal of the law annexing parts of the towns of Bristol and South Bristol to the town of Richmond, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Skeel presented the petition of sundry citizens of this State for the establishment of an agricultural professorship in the Central College in the county of Cortland, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Wells presented the petition of sundry citizens of this State for a railroad from some point on the Saratoga and Washington Railroad to the northern bounds of the State, which was read and referred to the committee on railroads.

Mr. A. Tuttle presented the petition of sundry inhabitants of Greene county, praying for the erection of a new county from parts of Greene, Schoharie, and Delaware counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Nash presented the petition of sundry inhabitant of the town of Chemung, in the county of Chemung, praying that a portion of that town be annexed to the town of Southport, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Goff presented the petition of sundry inhabitants of the towns of Schroon and North Hudson, for a law for the better regulation of the school districts which was read and referred to the committee on colleges, academies and common schools.

Mr. Brewer presented the petition of the Dry Dock Savings Institution, praying for an amendment of their charter, which was read and referred to the committee on banks and insurance companies.

Mr. Crispell presented the petition of sundry inhabitants of the county of Ulster, for a law prohibiting the use of drift nets in the Hudson river, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Goff presented the petition of sundry inhabitants of the county of Essex, against bridging Lake Champlain at Rouses' point, which was read and referred to the committee of the whole House when on the bill on that subject.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of Lyman P. Pratt and others of the town of Little Valley, for a law authorising said town to raise money by tax, reported, and asked and obtained leave to bring in a bill entitled "An act to authorise the town of Little Valley, in the county of Cattaraugus, to raise money for the relief of Lyman S. Pratt," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to repeal the law exempting certain property of clergymen from taxation," reported that the committee had gone through said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to amend an act entitled 'An act to abolish distress for rent and for other purposes, passed May 13, 1846,'" reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same as amended should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the petition of the Protestant Dutch church of the city of Schenectady, to be released from the operations of the act passed May 13, 1848, to equalize taxation, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

On motion of Mr. Pruyn,

*Ordered*, That the said resolution be laid on the table.

Mr. Woodruff, from the committee on the internal affairs of towns and counties, to which was referred the petition of sundry inhabitants of the town of Northfield, Staten Island, for an act authorising the commissioners of highways to lease certain town property, reported, and asked and obtained leave to bring in a bill entitled "An act authorising the commissioners of highways of the town of Northfield, to lease certain town property," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. L. Ward Smith from the committee on grievances, to which was referred the memorial of J. Benkard of the city of Brooklyn, complaining of a ruinous assessment on his property, and asking for a law remedying the same, and also for a law compelling the commissioners in all cases of assessment to give personal notice to the owner of the land assessed, reported against the prayer of the petitioner, and asked to be discharged from the further consideration of said petition.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of the village of Lansingburgh, for an amendment of the charter of said village, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend the charter of the village of Lansingburgh," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. A. Gilbert, from the committee on commerce and navigation, to which was referred the petition of Garrit Storms and others, for a revision of the wharfage laws of the cities of New-York and Brook-

lyn, reported, and asked and obtained leave to bring in a bill, entitled "An act for the better regulation of wharfage and the use of wharves and slips in the cities of New-York and Brooklyn," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Stevenson from the committee on charitable and religious societies, to which was referred the petition of Almira C. Cleveland and others, for an act of incorporation of the mariners' family industrial society of the port of New-York, reported, and asked and obtained leave to bring in a bill, entitled "An act to incorporate the mariners' family industrial society of the port of New-York," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Mersereau, from the committee on public printing, to which was referred the motion to print ten times the usual number of the report of the select committee, and three times the usual number of the bill, entitled "An act to provide for the sale of lands hereafter assessed in the counties in which such lands are situated," reported, and offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved*, That ten times the usual number of said report and three times the usual number of said bill be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Pierce from the committee on public printing to which was referred the bill entitled "An act to amend an act concerning the laws, journals and documents of the Legislature, passed May 12, 1847," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Elwood, from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Palmyra, for an amendment of the charter of said village, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend an act to incorporate the village of Palmyra, in the county of Wayne, passed March 29, 1847," which was read the first time and by unanimous consent was also read a second time and committed to a committee of the whole House.

Mr. Pardee, from the committee on the erection and division of towns and counties, to which was referred the bill entitled "An act to annex part of the town of Chemung to the town of Southport," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of Sylvanus D. Thompson, for a law to confirm his official acts as justice of the peace, reported, and asked and ob-

tained leave to bring in a bill, entitled "An act to confirm the official acts of Sylvanus D. Thompson, a justice of the peace of the town of Savannah," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act to extend the remedies at law against insurance companies," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Boardman from the committee on claims to which was referred the petition of Jacob Chamberlain and others, for the payment of damages sustained by a breach in the Seneca canal, reported, and asked and obtained leave to bring in a bill, entitled "An act to pay Jacob Chamberlain certain damages awarded by the Canal Commissioners," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Disosway, from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to establish the Union Free School in the village of Dansville," to report complete, reported that the committee had gone through said bill, agreed to the same with amendments, and amended the title so as to read "An act to establish a Union School in the village of Dansville," which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Brewer from the select committee, to which was referred the bill entitled "An act to amend an act in relation to the fees and compensation of certain officers in the city of New-York, passed December 10, 1847," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered,* That the said bill be engrossed for its third reading.

Mr. B. Thompson from the select committee to which was referred the bill entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover the possession of lands," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered,* That the said bill be engrossed for its third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, Feb. 24, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bills, entitled as follows, to wit :

**"An act to amend an act to provide for building a court house in the county of Madison, passed April 11, 1848."**

**"An act to amend an act to authorise the formation of the Niagara Falls House Company, passed March 24, 1848."**

**HAMILTON FISH.**

A communication from the Regents of the University in relation to historical and other papers and parchments received from the Secretary of states office, for deposite in the State Library, was received and referred to the joint library committee.

*(See Doc. No. 148.)*

Mr. Pruyn moved that ten times the usual number of copies of the report of the Regents of the University on historical and other papers and parchments received for deposite in the State Library, and the catalogue accompanying the same, be printed for the use of the Legislature, and one thousand copies for the use of the Regents.

*Ordered,* That the said motion be referred to the committee on public printing.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act in relation to the Utica Female Academy," which was read the first time and by unanimous consent was also read a second time and referred to the committee on colleges, academies and common schools.

"An act to amend the charter of the Jefferson County Institute," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

"An act to incorporate the Mansion Square Female Seminary, in the town of Poughkeepsie," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to authorise the further enlargement of the opening in the Albany pier, between the State and Columbia-street bridges."

On motion of Mr. Pruyn the said bill and amendments were laid on the table.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith returned, entitled "An act to amend the charter of the village of Williamsburgh."

**"An act to amend an act to authorise the formation of the Niagara Falls House Company, passed March 24, 1848."**

*Ordered,* That the Clerk deliver the said bills to the Governor.

The engrossed bill, entitled "An act to amend an act in relation to the fees and compensation of certain officers in the city and county of New-York, passed December 10, 1847," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affir-



negative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 91 }  
 { NAYS 02 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. Rockwell
Mr. H. J. Allen	Mr. Hale	Mr. Rose
Mr. Averill	Mr. Hall	Mr. Rounseville
Mr. Barber	Mr. Hammond	Mr. St. John
Mr. Beekman	Mr. Harmon	Mr. Sexton
Mr. Bellingher	Mr. Hoyt	Mr. Skeel
Mr. Boardman	Mr. M. Johnson	Mr. Slocum
Mr. Bogart	Mr. Kelsey	Mr. Smalley
Mr. Boughton	Mr. Kennedy	Mr. L. Ward Smith
Mr. Bowen	Mr. Kidd	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Leavenworth	Mr. Speaker
Mr. Brewer	Mr. McLean	Mr. Stevens
Mr. Budd	Mr. McNeal	Mr. Stevenson
Mr. Bull	Mr. Markel	Mr. Stewart
Mr. W. Butts	Mr. Marsh	Mr. Strever
Mr. Buxton	Mr. Miller	Mr. Stryker
Mr. Carver	Mr. Nash	Mr. Sweet
Mr. Clark	Mr. Noble	Mr. B. Thompson
Mr. Cornell	Mr. Pardee	Mr. A. Tuttle
Mr. Crispell	Mr. Pease	Mr. Van Orden
Mr. Crittenden	Mr. Perley	Mr. Varnum
Mr. Cross	Mr. Pickett	Mr. Vincent
Mr. Culbert	Mr. Pierce	Mr. Ward
Mr. Disosway	Mr. Porter	Mr. Wells
Mr. Dodge	Mr. Prescott	Mr. Wheaton
Mr. Elwood	Mr. Quackenboss	Mr. Willard
Mr. Fish	Mr. Raynor	Mr. Wilcox
Mr. Gates	Mr. Richards	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Roblee	Mr. Woodruff
Mr. Goff	Mr. W. H. Robertson	Mr. Young
Mr. Gove		

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Those who voted in the negative are,

Mr. Bailey                      Mr. Moffatt

2

*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to amend the Revised Statutes in relation to summary proceedings to recover the possession of lands," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 83 }  
{ NAYS 08 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Pruyn
Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Quackenboss
Mr. Averill	Mr. Gove	Mr. Raynor
Mr. Bagley	Mr. Hale	Mr. Richards
Mr. Bailey	Mr. Hall	Mr. Roblee
Mr. Barber	Mr. Hammond	Mr. A. Robertson
Mr. Bellinger	Mr. Harmon	Mr. W. H. Robertson
Mr. Boardman	Mr. Hoyt	Mr. Rockwell
Mr. Bogart	Mr. M. Johnson	Mr. Rose
Mr. Boughton	Mr. Kelsey	Mr. Rounseville
Mr. Brinkerhoff	Mr. Kennedy	Mr. St. John
Mr. Brewer	Mr. Leavenworth	Mr. Sexton
Mr. Budd	Mr. McKianey	Mr. Skeel
Mr. Bull	Mr. McLean	Mr. Smalley
Mr. W. Butts	Mr. McNeal	Mr. L. Ward Smith
Mr. Buxton	Mr. Markel	Mr. Stevens
Mr. Campbell	Mr. Marsh	Mr. Stevenson
Mr. Carver	Mr. Miller	Mr. Stewart
Mr. Clark	Mr. Moffatt	Mr. Sweet
Mr. Crispell	Mr. Nash	Mr. B. Thompson
Mr. Crittenden	Mr. Noble	Mr. A. Tuttle
Mr. Cross	Mr. Pardee	Mr. Van Orden
Mr. Culbert	Mr. Pease	Mr. Varnum
Mr. Curtis	Mr. Perley	Mr. Ward
Mr. Disosway	Mr. Picket	Mr. Willard
Mr. Dodge	Mr. Pierce	Mr. Wilcox
Mr. Elwood	Mr. Porter	Mr. Young
Mr. Fish	Mr. Prescott	

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Those who voted in the negative are,

Mr. Beekman	Mr. W. S. Smith	Mr. Wheaton
Mr. Bowen	Mr. Strever	Mr. Woodruff
Mr. Slocum	Mr. Wells	

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

On motion of Mr. Woodruff, and by unanimous consent, The engrossed bill, entitled "An act to authorise the town of Little Valley, in the county of Cattaraugus, to raise money for the relief of Lyman S. Pratt," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 96 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. A. Robertson
Mr. H. J. Allen	Mr. Hall	Mr. W. H. Robertson
Mr. Averill	Mr. Hammond	Mr. Rockwell
Mr. Bagley	Mr. Harmon	Mr. Rose
Mr. Bailey	Mr. Hoyt	Mr. Rounseville
Mr. Barber	Mr. M. Johnson	Mr. St. John
Mr. Beekman	Mr. Kelsey	Mr. Sexton
Mr. Bellinger	Mr. Kennedy	Mr. Skeel
Mr. Boardman	Mr. Kidd	Mr. Slocum
Mr. Bogart	Mr. Leavenworth	Mr. Smalley
Mr. Boughton	Mr. McKinney	Mr. L. Ward Smith
Mr. Bowen	Mr. McLean	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. McNeal	Mr. Speaker
Mr. Brewer	Mr. Markel	Mr. Stevens
Mr. Budd	Mr. Marsh	Mr. Stevenson
Mr. W. Butts	Mr. Mersereau	Mr. Stewart
Mr. Buxton	Mr. Miller	Mr. Strever
Mr. Campbell	Mr. Moffatt	Mr. Stryker
Mr. Carver	Mr. Mowry	Mr. Sweet
Mr. Clark	Mr. Nash	Mr. B. Thompson
Mr. Cornell	Mr. Noble	Mr. A. Tuttle
Mr. Crispell	Mr. Pardee	Mr. Van Orden
Mr. Crittenden	Mr. Pease	Mr. Varnum
Mr. Cross	Mr. Picket	Mr. Vincent
Mr. Culbert	Mr. Pierce	Mr. Ward
Mr. Curtis	Mr. Porter	Mr. Wells
Mr. Disosway	Mr. Prescott	Mr. Wheaton
Mr. Gates	Mr. Pruyn	Mr. White
Mr. A. Gilbert	Mr. Quackenboss	Mr. Willard
Mr. L. M. Gilbert	Mr. Raynor	Mr. Wisewell
Mr. Gove	Mr. Richards	Mr. Woodruff
Mr. Green	Mr. Roblee	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to establish a Union School in the village of Dansville," was read a third time.

Mr. McLean moved that said bill be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. McLean, and it was determined in the affirmative.

By unanimous consent,

Mr. Pruyn asked for and obtained leave to bring in a bill, entitled "An act to extend the time for the collection of taxes in the town of New-Scotland, Albany county," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Pruyn,

*Ordered*, That said bill be read a third time.

The said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 94 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. Roblee
Mr. H. J. Allen	Mr. Hale	Mr. A. Robertson
Mr. Averill	Mr. Hall	Mr. W. H. Robertson
Mr. Bagley	Mr. Hammond	Mr. Rockwell
Mr. Bailey	Mr. Harmon	Mr. Rose
Mr. Barber	Mr. M. Johnson	Mr. Rounseville
Mr. Beekman	Mr. Kelsey	Mr. St. John
Mr. Bellinger	Mr. Kennedy	Mr. Sexton
Mr. Boardman	Mr. Kidd	Mr. Skeel
Mr. Bogart	Mr. Leavenworth	Mr. Slocum
Mr. Boughton	Mr. McKinney	Mr. Smalley
Mr. Bowen	Mr. McLean	Mr. L. Ward Smith
Mr. Brewer	Mr. McNeal	Mr. W. S. Smith
Mr. Budd	Mr. Markel	Mr. Speaker
Mr. W. Butts	Mr. Marsh	Mr. Stevens
Mr. Buxton	Mr. Mersereau	Mr. Stevenson
Mr. Campbell	Mr. Miller	Mr. Strever
Mr. Carver	Mr. Moffatt	Mr. Stryker
Mr. Clark	Mr. Nash	Mr. Sweet
Mr. Cornell	Mr. Noble	Mr. B. Thompson
Mr. Crispell	Mr. Pardee	Mr. A. Tuttle
Mr. Crittenden	Mr. Pease	Mr. Van Orden
Mr. Coss	Mr. Perley	Mr. Varnum
Mr. Culbert	Mr. Picket	Mr. Ward
Mr. Disosway	Mr. Pierce	Mr. Wells
Mr. Elwood	Mr. Porter	Mr. Wheaton
Mr. Fish	Mr. Prescott	Mr. White
Mr. Fitzhugh	Mr. Pruyn	Mr. Wilcox
Mr. Gates	Mr. Quackenboss	Mr. Wisewell
Mr. A. Gilbert	Mr. Raynor	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Richards	Mr. Young
Mr. Gove		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Bailey,

*Resolved*, That the petitions, maps and other papers on file in this House in relation to the division of the town of Lyme, in the county of Jefferson be taken from the files and referred to the committee on the erection and division of towns and counties.

On motion of Mr. L. Ward Smith,

*Resolved*, That the petition of J. Brenkhard for relief from unjust assessment on Flatbush Avenue be recommitted to the committee on grievances.

On motion of Mr. Slocum,

The House proceeded to the consideration of the resolution heretofore offered by him, the same having been amended so as to read as follows, to wit:

*Resolved*, That the committee on the judiciary be instructed to inquire into the expediency of introducing a bill, extending the provisions of so much of title 5, article 2, part 3, of the Revised Statutes as relates to the redemption of lands and other real estate sold on execution to all sales that shall hereafter be made on the foreclosure of any mortgage or on notice of sale by the loan commissioners of this State.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Slocum,

The House proceeded to the consideration of the resolution heretofore offered by him, the same having been amended so as to read as follows, to wit:

*Resolved*, That the standing committee on railroads be instructed to inquire into the expediency of reporting a bill establishing the fare of the several railroad companies between Albany and Buffalo at a rate not exceeding three cents per mile for each passenger for the first class of cars, and that said companies be required to run daily a sufficient number of cars of the second class to accommodate the wants of the public at a rate not exceeding two cents per mile for each passenger.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Cornell offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That the Governor be and he is hereby requested to procure two gold medals with suitable emblems and devices and present the same, one to Lieut. Schuyler Hamilton, and one to Major Abraham Van Buren of the United States army, natives of this State, as a testimony of the high appreciation by the people of this State of their gallant and distinguished services in the late campaign in Mexico.

On motion of Mr. Cornell,

*Ordered*, That the said motion be referred to the committee on the militia and public defence.

Mr. Rose offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That the Governor be and he is hereby requested to procure a gold medal with suitable emblems and devices and present the same to Brevet Major Joseph R. Smith of the United States army, a native of this State, as a testimony of

the high appreciation by the people of this State of his gallant and distinguished services in the late campaign in Mexico.

On motion of Mr. Rose,

*Ordered*, That the said resolution be referred to the committee on the militia and public defence.

On motion of Mr. Rose,

*Resolved*, That a respectful message be sent to the Senate, requesting that body to transmit to this House the petitions and papers in relation to the division of the town of Brookhaven, in the county of Suffolk.

Mr. Rose gave notice that he would ask leave to introduce a bill to divide the town of Brookhaven, in the county of Suffolk.

Mr. L. Ward Smith gave notice that he would at some future day ask leave to introduce a bill entitled "An act to incorporate the Union Society of Hamilton College."

Mr. Nash gave notice of his intention to ask leave to bring in a bill to establish free schools throughout the state.

On motion of Mr. Cornell,

*Resolved*, That the bill entitled "An act to amend an act to incorporate the Prison Association of New-York, passed May 9, 1846," be recommitted to the committee on state prisons.

Mr. Disosway gave notice that he would ask leave at some early day to introduce a bill granting to the trustees of Seamen's Fund Retreat, the sum of \$6,166.13, now remaining in the state treasury, to the credit of the Mariners' Fund, to be invested by them, and the interest thereof to be applied to the benefit of distressed families and orphan children of seamen, unless specially otherwise required for the wants of the Seamen's Retreat.

Mr. Nash gave notice that he would at an early day ask leave to bring in a bill to change the time of holding the charter election in the village of Jefferson in the counties of Chemung and Steuben.

Mr. Sweet offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Utica and Schenectady Railroad Company under the oath of its president and superintendent, and the Albany and Schenectady Railroad Company, under the oath of its president and secretary, report to this House the copy of any and all contracts in writing, which have been made and entered into since the seventh day of December, 1847, in which the Utica and Schenectady Railroad company was, or is, a party in relation to the selling of tickets to emigrant passengers in the city of New-York, or the transportation of emigrant passengers over the Utica and Schenectady railroad.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

On motion of Mr. W. S. Smith,

The House proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, That a committee of nine members be appointed, whose duty it shall be to examine all bills committed to a committee of the whole House, and to report all such bills as in their opinion may with

• safety and propriety be referred to select committees to report complete; but that no bill shall be recommended to be so referred except with consent of a majority of said committee.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Disosway,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the select committee to which was referred the subject of the emigration laws have power to send for persons and papers, that they be enabled to inquire more fully into the frauds perpetrated upon emigrants in their passage through the state and report the same to this House.

Mr. Ward moved to amend the said resolution by adding at the end the words "but said committee shall not have power to leave this city in connection with such business."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Ward, and it was determined in the negative.

Mr. Dodge moved to amend the said resolution by inserting after the word "laws," the words, "be increased by the addition of two members, one of whom at least shall be a member from the city and county of New-York,"

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Dodge, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to the said resolution, as amended, and it was determined in the negative.

Leave of absence was granted to Mr. Danforth and Mr. Glass for seven days each.

On motion of Mr. Boughton,

The House proceeded to the consideration of the engrossed, bill entitled "An act to amend the Revised Statutes in relation to sales at auction," and the question being on the motion of Mr. Boughton to reconsider.

Debate was had thereon, when

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Boughton, and it was determined in the affirmative.

Mr. Boughton moved that the said bill be recommitted to the committee of the whole.

Mr. Pruyn moved that the said bill be recommitted to the committee on trade and manufacture.

Mr. H. J. Allen moved that the said bill be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. H. J. Allen and it was determined in the affirmative.

In pursuance of previous notice, Mr. B. Thompson asked for and obtained leave to introduce a bill, entitled "An act to repeal an act

in relation to the surplus waters of the canals, passed April 18, 1838," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on canals.

In pursuance of previous notice, Mr. Mersereau asked for and obtained leave to introduce a bill, entitled "An act to authorise supplying the loss of evidence of proceedings for the incorporation of the village of Corning, and to constitute said village a separate road district," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the incorporation of cities and villages.

In pursuance of previous notice, Mr. Richards asked for and obtained leave to introduce a bill, entitled "An act to authorise the inhabitants of joint school district number five, in the town of Attica, county of Wyoming, and town of Alexander, county of Genesee, to raise money," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. A. Gilbert asked for and obtained leave to introduce a bill, entitled "An act to incorporate the New-York Hotel company," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on trade and manufactures.

In pursuance of previous notice, Mr. Boughton asked for and obtained leave to introduce a bill, entitled "An act in relation to the erection of a town hall in the town of New Utrecht," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice, Mr. Dodge asked for and obtained leave to introduce a bill, entitled "An act to amend an act for the relief of partners and joint debtors, passed April 18, 1838," which was read the first time and by unanimous consent was also read a second time.

On motion of Mr. Dodge,

*Ordered*, That the said bill be referred to a select committee.

*Ordered*, That Mr. Dodge, Mr. Bailey, Mr. A. Robertson, Mr. Elderkin and Mr. Young be such committee.

In pursuance of previous notice, Mr. Beekman asked for and obtained leave to bring in a bill, entitled "An act for the better security of persons crossing the ferries of the city and county of New York," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on commerce and navigation.

On motion of Mr. A. Gilbert,

*Resolved*, That the bill entitled "An act to authorise Nezhiah Bliss and others to erect and maintain docks in the town of Bushwick, county of Kings," be taken from the committee of the whole and referred to the committee on commerce and navigation, and retain its place on the general orders.

The House then resolved itself into a committee of the whole on  
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the bill entitled "An act for the better security of mechanics and others erecting buildings and furnishing materials therefor," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Rounseville from said committee, reported progress.

Mr. L. Ward Smith moved that said bill be referred to a select committee.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the affirmative.

*Ordered*, That Mr. L. Ward Smith, Mr. Pruyn, Mr. Dodge, Mr. Button and Mr. Noble be such select committee.

And then at 2 o'clock, p. m.,

On motion of Mr. Kidd,

The House adjourned.

## MONDAY, FEBRUARY 26, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Morrow.

The minutes of Saturday were read and approved.

Mr. Nash presented the remonstrance of sundry inhabitants of the town of Chemung, against the division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. A. Tuttle presented the petition of sundry inhabitants of the town of Lexington, in the county of Greene, asking that a part of that town may be annexed to the town of Windham in said county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. M. Johnson presented the petition of Norman Northrop of Niagara county, for payment of damages caused by the overflowing of the canal, which was read and referred to the committee on canals.

Mr. Culbert presented the petition of the six supervisors of the county of Fulton, praying for a law authorising the Johnstown and Fultonville Plank Road Company to bridge the Mohawk river, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Speaker presented the petition of E. F. Bullard and others, praying for a restoration of the jurisdiction of county courts, which was read and referred to the committee on the judiciary.

On motion of Mr. W. S. Smith,

*Ordered*, That the said petition be printed.

Mr. M. Johnson presented the petition of sundry inhabitants of the village of Lockport, for a railroad from that village to the city

of Buffalo, on the most direct and eligible route, which was read and referred to the committee on railroads.

Mr. Hale presented the petition of sundry inhabitants of the county of Steuben, for an act declaring the public utility of a railroad from Hornellsville to Buffalo, which was read and referred to the committee on railroads.

Mr. Quackenboss presented the remonstrance of sundry inhabitants of the county of Steuben, against any division of that county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Crispell presented two several petitions of sundry inhabitants of the county of Ulster, for a law prohibiting the use of drift nets in the Hudson river, which were read and referred to the select committee on that subject.

Mr. L. Ward Smith presented the petition of sundry inhabitants of the village of Cohoes, for a law to prevent convict labor from competing with the labor of mechanics, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. Ward Smith presented the petition of sundry inhabitants of the village of Cohoes, for a ten hour's law, also, two petitions from citizens of the same place, for a homestead exemption and for a mechanics' lien law, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. Ward Smith presented the petition of sundry inhabitants of Monroe county, for a law requiring the sale of lands for taxes to be held in the counties in which such lands are situated, which was read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Dodge, Perley and Disosway presented three several petitions of sundry inhabitants of the city of New-York and of Richmond county, for the removal of the quarantine from Staten Island, which were read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Brinkerhoff, Hammond, Sweet, Rose and Miller presented six several petitions for a law prohibiting the sale of intoxicating liquors as a beverage, which were read and referred to the committee on the internal affairs of towns and counties.

Messrs. Noble and L. M. Gilbert presented twelve several remonstrances of sundry citizens of the county of Delaware, against any division of that county, which were read and referred to the committee on the erection and division of towns and counties.

Mr. J. E. Thompson presented two several petitions of sundry inhabitants of the town of Tompkins, for the erection of a new county from parts of the counties of Delaware, Broome, Chenango and Otsego, which were read and referred to the committee on the erection and division of towns and counties.

Mr. A. Tuttle presented the petition of sundry inhabitants of the county of Greene, for the erection of the county of Harrison from parts of Greene, Schoharie and Delaware, which was read and re-

ferred to the committee on the erection and division of towns and counties.

Mr. Roblee presented the remonstrance of sundry inhabitants of the village of Albion, in the county of Orleans, against any amendment of the charter of that village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Markel presented the petition of Enoch Chamberlain and other citizens of the county of the Seneca, for the appraisal and payment of damages caused by the overflowing of the Seneca canal, which was read and referred to the committee on canals.

Messrs. Gove, Goddard, Elderkin and Picket presented four petitions of sundry inhabitants of the counties of Franklin and St. Lawrence for an act authorising the erection of a bridge across Lake Champlain near Rouse's point, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Carver presented the remonstrance of sundry inhabitants of the county of Clinton against bridging Lake Champlain at Rouse's point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Sweet presented the remonstrance of sundry inhabitants of Tioga county against the repeal of the emigrant passenger act, passed May 10, 1847, which was read and referred to the committee on commerce and navigation.

Mr. Wheaton presented the memorial of the Onondaga county teachers' institute in favor of the establishment of free schools throughout the State, which was read and referred to the committee on colleges, academies and common schools.

On motion of Mr. Wheaton,

*Ordered*, That the said memorial be printed.

Mr. H. C. Tutbill presented the petition of citizens of Onondaga and Cayuga counties for the establishment of a professorship of agricultural science in the Central college in Cortland county, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Pierce from the committee on public printing to which was referred the motion to print ten times the usual number of the report of the Regents of the University on historical and other papers and parchments deposited in the State library and the catalogue accompanying the same, and 1000 copies for the use of the Regents, reported and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of the said report be printed for the use of the Legislature, and 1000 copies for the use of the Regents of the University.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Woodruff from the committee on the internal affairs of towns and counties to which was referred the bill, entitled "An act in relation to the erection of a town hall in the town of New Utrecht,"

reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act in relation to the Utica Female Academy," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Rose from the committee on the militia and public defence, to which was referred the petition of Claudius F. Durand, lieutenant in the first regiment of New-York State Volunteers, and Capt. Felix Gazinski of the same regiment, for compensation for services rendered in raising volunteers, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Beekman, from the committee on colleges, academies and common schools, to which was referred the engrossed bill from the Senate entitled "An act to incorporate the Mansion Square Female Seminary, in the town of Poughkeepsie," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. McLean from the committee on claims to which was referred the petition of Mary Murry and others for relief from damages occasioned by the construction of the Genesee Valley canal, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the appraisal and payment of canal damages to Mary Murray and others," which was read the first time, and by unanimous consent was also read a second time.

(See Doc. No. 128.)

On motion of Mr. Varnum,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Button from the committee on colleges, academies and common schools, to which was referred the engrossed bill from the Senate, entitled "An act to amend the charter of the Jefferson County Institute," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act to authorise

supplying the loss of evidence of proceedings for the incorporation of the village of Corning, and to constitute said village a separate district," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies, to which was referred the petition of the Dry Dock Saving Institution of the city of New-York, for an amendment of their charter, reported, and asked, and obtained leave to bring in a bill, entitled "An act to amend an act to incorporate the Dry Dock Savings Institution in the city of New-York, passed April 12, 1848," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Crispell, from the committee on agriculture, to which was referred the petition of Russell Comstock for legislative aid in testing a discovery of a natural fixed principle in agriculture, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Elwood from the committee on the judiciary, to which was referred the bill entitled "An act to authorise surrogates to invest surplus moneys arising from the sale of real estate in certain cases," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Dodge, from the select committee, to which was referred the bill entitled "An act to amend an act for the relief of partners and joint debtors, passed April 18, 1838," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

(See Doc. No. 112.)

On motion of Mr. Dodge,

*Ordered*, That the said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Dodge, Mr. Bagley, Mr. A. Robertson, Mr. Elderkin and Mr. Young be such select committee.

Mr. Bowen, from the select committee, to which was referred so much of the annual message of the Governor as relates to slavery in California and New Mexico, reported in writing.

(See Doc. No. 139.)

*Ordered*, That the said report be laid on the table.

Mr. Pruyn moved that twenty times the usual number of said report be printed for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. Rose from the committee on the militia and public defence, to which was referred the bill entitled "An act to amend an act for the organization of the first division of the New-York state militia," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act, entitled 'An act to consolidate and amend the act to incorporate the city of Rochester,' passed April 11, 1844, and the several acts amendatory thereof," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. L. Ward Smith,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagley from the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act to provide for the election of the justices of the justices' court in and for the city of Hudson," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Strever,

*Ordered*, That said bill be read a third time.

Mr. Brewer from the committee on state prisons to which was referred the petition of inhabitants of the city of New-York for the continuation of the Clinton state prison, reported and asked to be discharged from the further consideration of the said petition, and that the same be referred to the committee of the whole when on the bill upon that subject.

Mr. Speaker put the question whether the House would agree to the report of the committee on said petition and it was determined in the affirmative.

Mr. Rounseville from the committee on trade and manufactures to which was referred the petition of inhabitants of Gilboa for an incorporation of a company to supply said village with water, reported and asked and obtained leave to introduce a bill, entitled "An act to incorporate the Gilboa aqueduct company," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Hoyt, from the committee on public lands, to which was referred the petition of Charles B. Carpenter for relief under the law of 1847, for land on the Oneida purchase, reported and asked and obtained leave to introduce a bill, entitled "An act for the relief of Charles B. Carpenter, a purchaser of certain lands in the Oneida purchase in 1830 and 1834," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole House.

Mr. Markel from the select committee to which was referred the petition of the commissioners of highways of Waterloo, Seneca co.,

for a law to raise money by tax, reported and asked and obtained leave to introduce a bill, entitled "An act to authorise the commissioners of highways of the town of Waterloo to borrow money," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

A communication from the Secretary of State transmitting the report of the commissioners of the Land Office in answer to a resolution of the 17th instant, and in relation to the sale of State lands and the purchase of others for salt manufacturing purposes, was received and referred to the committee on the manufacture of salt.

(See Doc. No. 130.)

A message from the Senate was received and read, informing that they have concurred in the amendment of the House to the bill, entitled "An act to incorporate the members of the East Genesee Annual Conference of the Methodist Episcopal church," and amended the same accordingly.

*Ordered*, That the Clerk return the said bill to the Senate.

The Senate returned the engrossed bill entitled "An act authorising the appraisal and payment of canal damages to Nirum Abbott," with a message informing that they have passed the same with the amendments therewith delivered, and altered the title so as to read "An act authorising an appeal and payment of canal damages to Nirum Abbott."

The said amendments were read, when

Mr. L. Ward Smith moved the House do concur in the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hall	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Hammond	Mr. Rockwell
Mr. Averill	Mr. Harmon	Mr. Rose
Mr. Bagley	Mr. Hoyt	Mr. Rounseville
Mr. Beekman	Mr. M. Johnson	Mr. St. John
Mr. Bellinger	Mr. Kelsey	Mr. Smalley
Mr. Boardman	Mr. Kennedy	Mr. L. Ward Smith
Mr. Bogart	Mr. Kidd	Mr. W. S. Smith
Mr. Bowen	Mr. McKinney	Mr. Speaker
Mr. Brinkerhoff	Mr. McLean	Mr. Stevens
Mr. Brewer	Mr. Maine	Mr. Stevenson
Mr. Budd	Mr. Markel	Mr. Stewart

Mr. W. Butts	Mr. Mersereau	Mr. Strever
Mr. Carver	Mr. Miller	Mr. Sweet
Mr. Cornell	Mr. Moffatt	Mr. B. Thompson
Mr. Cross	Mr. Nash	Mr. A. Tuttle
Mr. Curtis	Mr. Noble	Mr. H. C. Tuthill
Mr. Disosway	Mr. Pardee	Mr. Van Orden
Mr. Dodge	Mr. Pease	Mr. Varnum
Mr. Elderkin	Mr. Perley	Mr. Vincent
Mr. Elwood	Mr. Picket	Mr. Ward
Mr. Fish	Mr. Pierce	Mr. Wells
Mr. Fiske	Mr. Porter	Mr. Wheaton
Mr. Gates	Mr. Prescott	Mr. Willard
Mr. A. Gilbert	Mr. Pruyn	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wisewell
Mr. Goddard	Mr. Raynor	Mr. Woodruff
Mr. Gove	Mr. Richards	Mr. Young
Mr. Hale	Mr. A. Robertson	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in the amendments of the Senate, and amended the same accordingly.

The engrossed bill from the Senate entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Rochester, passed April 11, 1844, and the several acts amendatory thereof,'" was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hammond	Mr. Rockwell
Mr. H. J. Allen	Mr. Harmon	Mr. Rose
Mr. Bagley	Mr. Hoyt	Mr. Rounseville
Mr. Beekman	Mr. M. Johnson	Mr. St. John
Mr. Bellinger	Mr. Kelsey	Mr. Smalley
Mr. Boardman	Mr. Kennedy	Mr. L. Ward Smith
Mr. Bogart	Mr. Kidd	Mr. W. S. Smith
Mr. Bowen	Mr. McKinney	Mr. Speaker
Mr. Brinkerhoff	Mr. McLean	Mr. Stevens
Mr. Brewer	Mr. McNeal	Mr. Stevenson
Mr. Button	Mr. Maine	Mr. Stewart
Mr. W. Butts	Mr. Markel	Mr. Strever
Mr. Carver	Mr. Mersereau	Mr. Stryker
Mr. Clark	Mr. Miller	Mr. Sweet
Mr. Cornell	Mr. Moffatt	Mr. B. Thompson
Mr. Crispell	Mr. Nash	Mr. J. E. Thompson
Mr. Cross	Mr. Noble	Mr. A. Tuttle



Mr. Curtis	Mr. Pardee	Mr. H. C. Tuthill
Mr. Disosway	Mr. Pease	Mr. Van Orden
Mr. Dodge	Mr. Picket	Mr. Varnum
Mr. Elderkin	Mr. Pierce	Mr. Vincent
Mr. Elwood	Mr. Porter	Mr. Ward
Mr. Gates	Mr. Prescott	Mr. Wells
Mr. A. Gilbert	Mr. Pruyn	Mr. Wheaton
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Willard
Mr. Goddard	Mr. Raynor	Mr. Wilcox
Mr. Gove	Mr. Roblee	Mr. Wisewell
Mr. Hale	Mr. A. Robertson	Mr. Woodruff
Mr. Hall	Mr. W. H. Robertson	Mr. Young 87

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill from the Senate entitled "An act to provide for the election of the justices of the justices' court in and for the city of Hudson," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{	AYES	90	}
{	NAYS	00	}

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. A. Robertson
Mr. H. J. Allen	Mr. Hall	Mr. W. H. Robertson
Mr. Averill	Mr. Hammond	Mr. Rockwell
Mr. Bagley	Mr. Harmon	Mr. Rose
Mr. Beekman	Mr. Hoyt	Mr. Rounseville
Mr. Bellinger	Mr. M. Johnson	Mr. St. John
Mr. Boardman	Mr. Kelsey	Mr. Skeel
Mr. Bogart	Mr. Kennedy	Mr. Smalley
Mr. Bowen	Mr. Kidd	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. McKinney	Mr. W. S. Smith
Mr. Brewer	Mr. McLean	Mr. Speaker
Mr. Budd	Mr. McNeal	Mr. Stevens
Mr. Button	Mr. Maine	Mr. Stevenson
Mr. W. Butts	Mr. Markel	Mr. Stewart
Mr. Carver	Mr. Mersereau	Mr. Strever
Mr. Clark	Mr. Miller	Mr. Stryker
Mr. Cornell	Mr. Moffatt	Mr. Sweet
Mr. Crispell	Mr. Nash	Mr. J. E. Thompson
Mr. Cross	Mr. Noble	Mr. H. C. Tuthill
Mr. Curtis	Mr. Pardee	Mr. Van Orden
Mr. Disosway	Mr. Pease	Mr. Varnum
Mr. Dodge	Mr. Perley	Mr. Vincent
Mr. Elderkin	Mr. Picket	Mr. Ward
Mr. Elwood	Mr. Pierce	Mr. Wells

Mr. Fish	Mr. Porter	Mr. Wheaton
Mr. Gates	Mr. Prescott	Mr. Willard
Mr. A. Gilbert	Mr. Pruyn	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wisewell
Mr. Goddard	Mr. Raynor	Mr. Woodruff
Mr. Gove	Mr. Roblee	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

On motion of Mr. Woodruff,

The engrossed bill entitled "An act to establish a union school in the village of Dansville," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

} AYES 89 }  
} NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hammond	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Harmon	Mr. Rockwell
Mr. Averill	Mr. Hoyt	Mr. Rose
Mr. Bagley	Mr. M. Johnson	Mr. Rounseville
Mr. Beekman	Mr. Kelsey	Mr. St. John
Mr. Bellinger	Mr. Kennedy	Mr. Smalley
Mr. Boardman	Mr. Kidd	Mr. L. Ward Smith
Mr. Bogart	Mr. McKinney	Mr. W. S. Smith
Mr. Bowen	Mr. McLean	Mr. Stevens
Mr. Brinkerhoff	Mr. McNeal	Mr. Stevenson
Mr. Brewer	Mr. Maine	Mr. Stewart
Mr. Button	Mr. Markel	Mr. Strever
Mr. W. Butts	Mr. Mersereau	Mr. Stryker
Mr. Carver	Mr. Miller	Mr. Sweet
Mr. Clark	Mr. Moffatt	Mr. B. Thompson
Mr. Cornell	Mr. Nash	Mr. J. E. Thompson
Mr. Crispell	Mr. Noble	Mr. A. Tuttle
Mr. Cross	Mr. Pardee	Mr. H. C. Tuthill
Mr. Curtis	Mr. Pease	Mr. Van Orden
Mr. Disosway	Mr. Perley	Mr. Varnum
Mr. Dodge	Mr. Picket	Mr. Vincent
Mr. Elderkin	Mr. Pierce	Mr. Ward
Mr. Fish	Mr. Porter	Mr. Wells
Mr. Gates	Mr. Prescott	Mr. Wheaton
Mr. A. Gilbert	Mr. Pruyn	Mr. Willard
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wilcox
Mr. Goddard	Mr. Raynor	Mr. Wisewell

Mr. Gove  
Mr. Hale  
Mr. Hall

Mr. Richards  
Mr. Roblee  
Mr. A. Robertson

Mr. Woodruff  
Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

Mr. Mersereau moved that the House reconsider its vote on the resolution offered by Mr. Disosway, giving the select committee appointed to investigate frauds upon emigrants, power to send for persons and papers.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Mersereau, and it was determined in the negative.

Mr. Noble offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur) That Lieut. Frederick Steele, a native of Delaware county in this state, who, for his intrepid bravery at the storming of the battlements of Chapultepec, was mentioned in the report of General Quitman in the following honorable terms: "At the assault upon the works, Lieut. Frederick Steele, 2d infantry, with a portion of the storming party, advanced in front of the batteries towards the left, there scaled the outer wall through a breach near the top, made by a tannon shot, ascended the hill directly in his front, and was among the first upon the battlements;" has, by his gallant conduct, reflected honor upon his native country, and is entitled to the thanks of the people of this state, and that therefore, in token of their appreciation of his worth as an officer, the Governor be requested to procure a gold medal with suitable inscriptions, and cause the same to be presented to Lieut. Steele, together with a copy of this resolution.

On motion of Mr. Noble,

*Ordered*, That the said resolution be referred to the committee on militia and public defence.

Mr. L. Ward Smith gave notice that he would at some future day ask leave to introduce a bill entitled "An act in relation to the collection of taxes in the city of Rochester.

On motion of Mr McKinney,

*Resolved*, That the select committee having in charge the petitions in relation to the election of the chief of police of the city of New-York by the people, be discharged from the further consideration of the same, and that said petitions be referred to the committee of the whole having in charge the bill to amend an act entitled "An act for the establishment and regulation of the police of the city of New-York," passed May 13, 1846.

On motion of Mr. Sweet,

The House proceeded to the consideration of the resolution heretofore offered by him in the words following, to wit:

*Resolved*, That the Utica and Schenectady Railroad Company under the oath of its president and superintendent, and the Albany and Schenectady Railroad Company, under the oath of its president and

secretary, report to this House the copy of any and all contracts in writing, which have been made and entered into since the seventh day of December, 1847, in which the Utica and Schenectady Railroad company was, or is, a party in relation to the selling of tickets to emigrant passengers in the city of New-York, or the transportation of emigrant passengers over the Utica and Schenectady railroad.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Rose offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That two hundred copies of the report of the joint committee of the last Legislature, on the accounts of the banking, canal and treasurer's departments, be printed for the use of the treasurer and auditor of canal department.

*Ordered*, That the said motion be referred to the committee on public printing.

In pursuance of previous notice, Mr. Nash asked for and obtained leave to bring in a bill, entitled "An act to amend an act, entitled 'An act to incorporate the village of Jefferson,'" which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Nash,

*Ordered*, That said bill be read a third time.

The said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Harmon	Mr. W. H. Robertson
Mr. Averill	Mr. Hoyt	Mr. Rockwell
Mr. Bagley	Mr. M. Johnson	Mr. Rose
Mr. Beekman	Mr. Kelsey	Mr. Rounseville
Mr. Bellinger	Mr. Kennedy	Mr. St. John
Mr. Boardman	Mr. Kidd	Mr. Smalley
Mr. Bogart	Mr. McKinney	Mr. L. Ward Smith
Mr. Bowen	Mr. McLean	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. McNeal	Mr. Stevens
Mr. Brewer	Mr. Maine	Mr. Stevenson
Mr. Button	Mr. Markel	Mr. Stewart
Mr. W. Butts	Mr. Mersereau	Mr. Strever
Mr. Carver	Mr. Miller	Mr. Stryker
Mr. Clark	Mr. Moffatt	Mr. Sweet
Mr. Cornell	Mr. Nash	Mr. B. Thompson
Mr. Crispell	Mr. Noble	Mr. J. E. Thompson
Mr. Cross	Mr. Pardee	Mr. A. Tuttle
Mr. Curtis	Mr. Pease	Mr. H. C. Tuthill

Mr. Disosway	Mr. Perley	Mr. Van Orden
Mr. Dodge	Mr. Picket	Mr. Varnum
Mr. Elderkin	Mr. Pierce	Mr. Vincent
Mr. Elwood	Mr. Porter	Mr. Ward
Mr. Gates	Mr. Prescott	Mr. Wells
Mr. A. Gilbert	Mr. Pruyn	Mr. Wheaton
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Willard
Mr. Goddard	Mr. Raynor	Mr. Wilcox
Mr. Gove	Mr. Richards	Mr. Wisewell
Mr. Hale	Mr. Roblee	Mr. Woodruff
Mr. Hall	Mr. A. Robertson	Mr. Young
Mr. Hammond		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

In pursuance of previous notice, Mr. Van Orden asked for and obtained leave to introduce a bill entitled "An act for the relief of insolvent debtors and for the sequestration and distribution of their effects among their creditors," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. Cornell asked for and obtained leave to introduce a bill, entitled "An act to amend an act, entitled 'An act to incorporate the members of the New-York Institution for the instruction of the Deaf and Dumb,'" which was read the first time, and by unanimous consent was also read the second time and referred to the committee on medical societies and colleges.

In pursuance of previous notice, Mr. Hale asked for and obtained leave to bring in a bill, entitled "An act to repeal section third of an act passed January 26, 1821, entitled 'An act to perpetuate certain testimony respecting the title of the Pultney estate in this state,'" which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

In pursuance of previous notice, Mr. L. Ward Smith asked for and obtained leave to bring in a bill, entitled "An act to incorporate the Union Society of Hamilton College," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. Rose asked for and obtained leave to bring in a bill entitled "An act to divide the town of Brookhaven, and to erect the town of Fillmore," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the erection and division of towns and counties.

In pursuance of previous notice, Mr. Disosway asked for and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act to provide for sick and disabled seamen,' passed April 22, 1831," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on charitable and religious societies.

In pursuance of previous notice, Mr. Wells asked for and obtained leave to bring in a bill entitled "An act for improving the upper waters of the Hudson river," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Wells,

*Ordered*, That the said bill be referred to a select committee.

*Ordered*, That Mr. Wells, Mr. Bowen, Mr. W. S. Smith, Mr. Pruyn and Mr. Rockwell be such committee.

In pursuance of previous notice, Mr. McLean asked for and obtained leave to introduce a bill, entitled "An act to amend an act to provide for the incorporation and regulation of telegraph companies, passed April 12, 1848," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. McLean,

*Ordered*, That the said bill be referred to a select committee.

*Ordered*, That Mr. McLean, Mr. Dodge, Mr. J. E. Thompson, Mr. Rose and Mr. Carver be such committee.

Leave of absence was granted to Mr. Critenden for one week.

The House then resolved itself into a committee of the whole on the bill entitled "An act authorising compensensation for the damages sustained by John Ferris while acting in obedience to the direction of the sheriff of the county of Delaware," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Averill from said committee reported that the committee had gone through said bill and agreed to the same with amendments, and altered the title so as to read "An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county of Delaware," which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole on the special order of the day, it being the bill entitled as follows :

"An act to amend an act entitled 'An act to amend an act entitled 'An act for the establishment and regulation of the police of the city of New-York,' passed May 13, 1846.'"

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bowen from said committee, reported progress, and asked for and obtained leave to sit again.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to extend the time for the collection of taxes in the town of Watervliet, Albany county," which was read the first time, and by unanimous consent was read a second time.

On motion of Mr. Wing,

*Ordered*, That the said bill be read a third time.

By unanimous consent,

The said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 87 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hoyt	Mr. Rockwell
Mr. H. J. Allen	Mr. Hudson	Mr. Rose
Mr. Averill	Mr. Kelsey	Mr. Rounseville
Mr. Bagley	Mr. Kennedy	Mr. St. John
Mr. Bellinger	Mr. Kidd	Mr. Smalley
Mr. Boardman	Mr. McKinney	Mr. W. S. Smith
Mr. Bogart	Mr. McLean	Mr. Speaker
Mr. Bowen	Mr. McNeal	Mr. Stevens
Mr. Brinkerhoff	Mr. Maine	Mr. Stevenson
Mr. Brewer	Mr. Markel	Mr. Stewart
Mr. Button	Mr. Mersereau	Mr. Strever
Mr. Carver	Mr. Miller	Mr. Stryker
Mr. Clark	Mr. Moffatt	Mr. Sweet
Mr. Cornell	Mr. Nash	Mr. B. Thompson
Mr. Crispell	Mr. Noble	Mr. J. E. Thompson
Mr. Cross	Mr. Pardee	Mr. A. Tuttle
Mr. Curtis	Mr. Pease	Mr. H. C. Tuthill
Mr. Disosway	Mr. Perley	Mr. Van Orden
Mr. Dodge	Mr. Picket	Mr. Varnum
Mr. Elderkin	Mr. Pierce	Mr. Vincent
Mr. Fish	Mr. Porter	Mr. Ward
Mr. Gates	Mr. Prescott	Mr. Wells
Mr. A. Gilbert	Mr. Pruyn	Mr. Wheaton
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Willard
Mr. Goddard	Mr. Raynor	Mr. Wilcox
Mr. Gove	Mr. Richards	Mr. Wing
Mr. Hall	Mr. Roblee	Mr. Wisewell
Mr. Hammond	Mr. A. Robertson	Mr. Woodruff
Mr. Harmon	Mr. W. H. Robertson	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

And then, at 2 o'clock p. m.,

On motion of Mr. Bowen,

The House adjourned.

TUESDAY, FEBRUARY 27, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Needham.

The minutes of yesterday were read and approved.

Mr. Pruyn presented the petition of Ogden N. Chapin, Rufus C. Palmer and George W. Holt, for payment of damages sustained by injury to a canal boat and its cargo by reason of the defective situation of canal lock, which was read and referred to the committee on canals.

Mr. Brewer presented the memorial of the mayor, aldermen and commonalty of the city of New York, for the establishment of a work-house in that city, which was read and referred to a select committee consisting of the New-York delegation.

Mr. Wells and Mr. Culbert presented two several petitions of sundry inhabitants of the county of Warren and Hamilton, for the appointment of commissioners to lay out a highway from Athol, in Warren co., to the town of Wells, in Hamilton co., which were read and referred to the committee on roads and bridges.

Messrs. Maine and Quackenboss presented two several petitions of sundry citizens of the counties of Steuben and Madison, for the abolition of capital punishment, which were read and laid on the table.

Mr. Quackenboss presented the remonstrance of sundry citizens of the county of Steuben, against any law abolishing capital punishment, which was read and laid on the table.

Mr. Elwood presented the petition of George Dopp, for an act to vest in him title to certain real estate in the county of Oneida, contracted to him by Griffith T. Griffith, an alien, which was read and referred to the committee on the petitions of aliens.

Mr. Cornell presented the petition of Henry C. De Rham and others, inhabitants of the city of New-York, for the incorporation of the Swiss benevolent society, which was read and referred to the committee on charitable and religious societies.

Mr. Rose presented the petition of the supervisor and other citizens of the town of South Hampton, in the county of Suffolk, for a law authorising the appointment of a collector of taxes for said town, which was read and referred to the committee on the judiciary.

Mr. A. Tuttle presented the petition of sundry inhabitants of the town of Gilboa, in the county of Schoharie, for the erection of a new county from parts of Schoharie, Greene and Delaware counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Noble presented the remonstrance of sundry citizens of Bainbridge, Chenango co., against the erection of the proposed new county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.



Mr. Kennedy presented the petition of Robert Wilson, for damages sustained by the breaking of the Black River canal feeder, which was read and referred to the committee on canals.

Mr. Raynor presented seven several petitions of sundry inhabitants of the towns of Lancaster, Alden and Cheektawaga, in the county of Erie, for an amendment of an act for the improvement of the Cayuga creek road, which was read and referred to the committee on roads and bridges.

Mr. Ward presented two petitions of sundry farmers of Freetown in the county of Genesee, praying for the establishment of a professorship of agricultural science in the Central College in Cortland co., which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Kennedy presented the petition of sundry inhabitants of the county of Saratoga for a law requiring the sale of lands sold for taxes to be held in the counties in which such lands are situated, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Speaker presented the petition of the Rensselaer County Agricultural society, for the endowment of an agricultural school, which was read and referred to the committee on agriculture.

Mr. Raynor presented the petition of sundry citizens of Buffalo for an act declaring the public utility of a railroad from Buffalo to Lockport, on the most direct and eligible route, which was read and referred to the committee on railroads.

Mr. Speaker presented the petition of sundry citizens of Rensselaer county for an act to stay the collection of rents on the manor of Rensselaerwick, until the final determination of the suit now pending in the supreme court to test the title to those lands, which was read and laid on the table.

Messrs. Richards, Wheaton and M. Johnson presented three several petitions of sundry citizens of this State for a law to prohibit the sale of intoxicating liquors as a beverage, which were read and referred to the committee on the internal affairs of towns and counties.

Messrs. Elderkin, Goddard and Picket presented three several petitions of sundry citizens of the county of St. Lawrence for a law authorising the erection of a bridge across Lake Champlain at Rouse's point, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Goff presented the remonstrance of sundry inhabitants of the county of Essex against any law authorising the erection of a bridge across Lake Champlain at Rouse's point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bowen from the committee on trade and manufactures to which was referred the bill, entitled "An act to incorporate the New-York Hotel company," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

**Ordered,** That the said bill be committed to a committee of the whole House.

Mr. Bowen from the committee on trade and manufactures to which was referred the petition of inhabitants of Watertown for an act to incorporate a company to be called the Watertown Water Works company, reported and asked and obtained leave to introduce a bill, entitled "An act to incorporate the Watertown Water Works company," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Cornell, from the committee on the judiciary, to which was referred the petition of inhabitants of New-York city for an amendment of the act entitled "An act for the protection of emigrants arriving in the State of New-York," reported and asked and obtained leave to introduce a bill, entitled "An act to amend an act entitled 'An act for the protection of emigrants arriving in the State of New-York,'" which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Van Orden from the committee on public printing, to which was referred the motion to print 20 times the usual number of the report of the select committee on so much of the annual message of the Governor as relates to the subject of slavery in California and New-Mexico, reported, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved,* That twenty times the usual number of the said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Stryker from the select committee to which was referred the engrossed bill from the Senate, entitled "An act for the relief of Fernando Wood," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Stryker,

*Ordered,* That said bill be read a third time.

Mr. Pierce from the committee on public printing to which was referred the motion to print 200 copies of the report of the joint committee of the last Legislature to examine the accounts of the banking, canal and treasurer's department for the use of the Treasurer and auditor of the canal department, reported, and offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved,* That 200 copies of the said report be printed for the use of the Treasurer and auditor of the canal department.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Varnum from the committee on railroads, to which was referred the petition of inhabitants of Erie and Allegany counties for a railroad from Buffalo to Hornellsville, reported and asked and obtained leave to introduce a bill, entitled "An act to declare the public utility of a railroad from Buffalo to Hornellsville," which was

read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Varnum moved said bill be referred to the committee of the whole having in charge the bill, entitled "An act to amend the charter of the Attica and Hornellsville Railroad company."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Varnum, and it was determined in the negative.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bill, entitled as follows to wit:

"An act to pay John Ferris for the loss of a horse while acting under the direction of the sheriff of the county of Delaware."

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, Feb. 27, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bill, entitled as follows, to wit:

'An act to incorporate the Genesee College.'

HAMILTON FISH.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill, entitled "An act to extend the time for collecting the taxes in the city of Syracuse," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Storck,

*Ordered*, That the said bill be read a third time.

"An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on charitable and religious societies.

"An act to amend chapter two hundred and fourteen of the laws of 1842 in relation to the poor laws," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

"An act to amend the act, entitled 'An act to authorise the board of supervisors of the county of Herkimer to raise money by tax and to disburse the same,' passed September 21, 1847," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to provide for a free school in district number five in the town of Bath, in the county of Steuben," which was read a first time, and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to authorise the canal commissioners to change at two points the line of the Chemung canal."

The said amendments were read, when

Mr. Nash moved the House do concur in the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Nash, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 98 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. A. Robertson
Mr. H. J. Allen	Mr. Hale	Mr. W. H. Robertson
Mr. Averill	Mr. Hall	Mr. Rockwell
Mr. Bailey	Mr. Hammond	Mr. Rose
Mr. Bellinger	Mr. Harmon	Mr. Rounseville
Mr. Boardman	Mr. Hoyt	Mr. St. John
Mr. Bogart	Mr. M. Johnson	Mr. Sexton
Mr. Boughton	Mr. Kelsey	Mr. Slocum
Mr. Bowen	Mr. Kennedy	Mr. Smalley
Mr. Boyce	Mr. Kidd	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Leavenworth	Mr. W. S. Smith
Mr. Brewer	Mr. McKinney	Mr. Speaker
Mr. Budd	Mr. McLean	Mr. Stevens
Mr. Button	Mr. McNeal	Mr. Stevenson
Mr. W. Butts	Mr. Maine	Mr. Stewart
Mr. Campbell	Mr. Markel	Mr. Strever
Mr. Carver	Mr. Mersereau	Mr. Stryker
Mr. Clark	Mr. Miller	Mr. Sweet
Mr. Cornell	Mr. Moffatt	Mr. B. Thompson
Mr. Crispell	Mr. Nash	Mr. J. E. Thompson
Mr. Cross	Mr. Noble	Mr. A. Tuttle
Mr. Culbert	Mr. Pardee	Mr. H. C. Tuthill
Mr. Curtis	Mr. Pease	Mr. Van Auken
Mr. Disosway	Mr. Perley	Mr. Van Orden
Mr. Elderkin	Mr. Picket	Mr. Varnum
Mr. Elwood	Mr. Pierce	Mr. Ward
Mr. Fish	Mr. Porter	Mr. Wells
Mr. Gates	Mr. Prescott	Mr. Wheaton
Mr. A. Gilbert	Mr. Pruyn	Mr. Willard
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wilcox
Mr. Goddard	Mr. Raynor	Mr. Wisewell
Mr. Goff	Mr. Richards	Mr. Young
Mr. Gove	Mr. Roblee	

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered; the bill entitled "An act requiring chattel mortgages to be registered."

The said amendments were read, when

Mr. B. Thompson moved the House concur in said amendments.

Mr. A. Robertson moved that said motion be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Robertson, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. B. Thompson, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 84 }  
{ NAYS 07 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. Goddard	Mr. Richards
Mr. Averill	Mr. Gove	Mr. Roblee
Mr. Bagley	Mr. Green	Mr. W. H. Robertson
Mr. Bailey	Mr. Hall	Mr. Rockwell
Mr. Beekman	Mr. Hoyt	Mr. Rose
Mr. Bellinger	Mr. M. Johnson	Mr. St. John
Mr. Boardman	Mr. Kelsey	Mr. Sexton
Mr. Bogart	Mr. Kennedy	Mr. Slocum
Mr. Bowen	Mr. Kidd	Mr. Smalley
Mr. Boyce	Mr. Leavenworth	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. McKinney	Mr. W. S. Smith
Mr. Budd	Mr. McLean	Mr. Speaker
Mr. Button	Mr. McNeal	Mr. Stevens
Mr. W. Butts	Mr. Maine	Mr. Stewart
Mr. Campbell	Mr. Markel	Mr. Stryker
Mr. Carver	Mr. Mersereau	Mr. B. Thompson
Mr. Clark	Mr. Miller	Mr. A. Tuttle
Mr. Cornell	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Crispell	Mr. Noble	Mr. Van Auken
Mr. Cross	Mr. Pardee	Mr. Van Orden
Mr. Culbert	Mr. Perley	Mr. Varnum
Mr. Curtis	Mr. Picket	Mr. Wells
Mr. Elderkin	Mr. Pierce	Mr. Wheaton
Mr. Elwood	Mr. Porter	Mr. Wilcox
Mr. Fish	Mr. Prescott	Mr. Wisewell
Mr. Gates	Mr. Pruyn	Mr. Woodruff
Mr. A. Gilbert	Mr. Quackenboss	Mr. Young

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Those who voted in the negative are,

Mr. Brewer	Mr. Rounseville	Mr. J. E. Thompson
Mr. Pease	Mr. Strever	Mr. Willard
Mr. A. Robertson		

Ordered, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

A message from the Senate was received and read, informing that they had passed, with the amendments therewith delivered, the bill entitled "An act to amend an act, entitled 'An act to incorporate the city of Rochester,' passed April 11, 1844, and the several acts amendatory thereof."

The said amendments were read, when

Mr. L. Ward Smith moved the House concur in said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 98 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hall	Mr. Rockwell
Mr. H. J. Allen	Mr. Hammond	Mr. Rose
Mr. Averill	Mr. Harmon	Mr. Rounseville
Mr. Beekman	Mr. Hoyt	Mr. St. John
Mr. Bellinger	Mr. M. Johnson	Mr. Sexton
Mr. Boardman	Mr. Kelsey	Mr. S ocum
Mr. Bogart	Mr. Kennedy	Mr. Smalley
Mr. Bowen	Mr. Kidd	Mr. L. Ward Smith
Mr. Boyce	Mr. Leavenworth	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. McKinney	Mr. Speaker
Mr. Brewer	Mr. McLean	Mr. Stevens
Mr. Budd	Mr. McNeal	Mr. Stevenson
Mr. Button	Mr. Maine	Mr. Stewart
Mr. W. Butts	Mr. Markel	Mr. Strever
Mr. Campbell	Mr. Mersereau	Mr. Stryker
Mr. Carver	Mr. Miller	Mr. Sweet
Mr. Clark	Mr. Moffatt	Mr. B. Thompson
Mr. Cornell	Mr. Nash	Mr. J. E. Thompson
Mr. Crispell	Mr. Noble	Mr. A. Tuttle
Mr. Cross	Mr. Pardee	Mr. H. C. Tuthill
Mr. Culbert	Mr. Pease	Mr. Van Anken
Mr. Disosway	Mr. Perley	Mr. Van Orden
Mr. Elderkin	Mr. Picket	Mr. Varnum
Mr. Elwood	Mr. Pierce	Mr. Vincent
Mr. Fish	Mr. Porter	Mr. Ward
Mr. Gates	Mr. Prescott	Mr. Wells
Mr. A. Gilbert	Mr. Prun	Mr. Wheaton
Mr. L. M. Gilbert	Mr. Quackenbosc	Mr. Willard
Mr. Goddard	Mr. Raynor	Mr. Wilcox
Mr. Goff	Mr. Richards	Mr. Wisewell

Mr. Gove  
Mr. Green  
Mr. Hale

Mr. Roblee  
Mr. A. Robertson  
Mr. W. H. Robertson

Mr. Woodruff  
Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the resolution therewith delivered, in the words following, to wit:

*Resolved*, (if the Assembly concur) That the theololite used in the geological survey of the State, and now in the possession of Dr. Ebenezer Emmons, be placed in custody of the executive committee of the Normal School for the use of that institution.

Mr. Pruyn moved the House do concur in the said resolution.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill from the Senate entitled "An act for the relief of Fernando Wood," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. Rose
Mr. H. J. Allen	Mr. Hale	Mr. Rounseville
Mr. Bagley	Mr. Hall	Mr. St. John
Mr. Bailey	Mr. Harmon	Mr. Slocum
Mr. Bellinger	Mr. Hoyt	Mr. Smalley
Mr. Boardman	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Bogart	Mr. Kelsey	Mr. Speaker
Mr. Bowen	Mr. Kennedy	Mr. Stevens
Mr. Boyce	Mr. Kidd	Mr. Stevenson
Mr. Brinkerhoff	Mr. Leavenworth	Mr. Stewart
Mr. Brewer	Mr. McKinney	Mr. Strever
Mr. Budd	Mr. McLean	Mr. Stryker
Mr. Button	Mr. McNeal	Mr. Sweet
Mr. W. Butts	Mr. Markel	Mr. Taylor
Mr. Campbell	Mr. Mercereau	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. J. E. Thompson
Mr. Clark	Mr. Moffatt	Mr. A. Tuttle
Mr. Cornell	Mr. Nash	Mr. H. C. Tutbill
Mr. Crispell	Mr. Noble	Mr. Van Auken
Mr. Cross	Mr. Pardee	Mr. Van Orden
Mr. Culbert	Mr. Pease	Mr. Varnum
Mr. Curtis	Mr. Peley	Mr. Ward
Mr. Disoway	Mr. Picket	Mr. Wells

Mr. Elderkin	Mr. Porter	Mr. Wheaton
Mr. Elwood	Mr. Prescott	Mr. Willard
Mr. Fish	Mr. Pruyn	Mr. Wilcox
Mr. Gates	Mr. Raynor	Mr. Wing
Mr. A. Gilbert	Mr. Richards	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Roblee	Mr. Woodruff
Mr. Goddard	Mr. W. H. Robertson	Mr. Young
Mr. Gove	Mr. Rockwell	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate entitled "An act to extend the time for collecting the taxes in the city of Syracuse," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 90 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. A. Robertson
Mr. H. J. Allen	Mr. Hall	Mr. W. H. Robertson
Mr. Averill	Mr. Hammond	Mr. Rockwell
Mr. Bailey	Mr. Harmon	Mr. Rose
Mr. Bellinger	Mr. Hoyt	Mr. Rounseville
Mr. Boardman	Mr. M. Johnson	Mr. St. John
Mr. Bogart	Mr. Kelsey	Mr. Sexton
Mr. Bowen	Mr. Kennedy	Mr. Slocum
Mr. Boyce	Mr. Kidd	Mr. Smalley
Mr. Brinkerhoff	Mr. Leavenworth	Mr. Speaker
Mr. Brewer	Mr. McKinney	Mr. Stevens
Mr. Budd	Mr. McLean	Mr. Stevenson
Mr. Button	Mr. McNeal	Mr. Stewart
Mr. Campbell	Mr. Markel	Mr. Strever
Mr. Carver	Mr. Miller	Mr. Stryker
Mr. Clark	Mr. Moffatt	Mr. B. Thompson
Mr. Cornell	Mr. Nash	Mr. J. E. Thompson
Mr. Crispell	Mr. Noble	Mr. A. Tuttle
Mr. Cross	Mr. Pardee	Mr. H. C. Tuthill
Mr. Culbert	Mr. Pease	Mr. Van Auker
Mr. Curtis	Mr. Perley	Mr. Van Orden
Mr. Elderkin	Mr. Picket	Mr. Varnum
Mr. Elwood	Mr. Pierce	Mr. Wells
Mr. Fish	Mr. Porter	Mr. Wheaton
Mr. Gates	Mr. Prescott	Mr. Willard
Mr. A. Gilbert	Mr. Pruyn	Mr. Wilcox



Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wing
Mr. Goddard	Mr. Raynor	Mr. Wisewell
Mr. Gove	Mr. Richards	Mr. Woodruff
Mr. Green	Mr. Roblee	Mr. Young 90

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county of Delaware," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 85 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. A. Robertson
Mr. H. J. Allen	Mr. Hall	Mr. W. H. Robertson
Mr. Bagley	Mr. Harmon	Mr. Rockwell
Mr. Bailey	Mr. Hoyt	Mr. Rose
Mr. Bellinger	Mr. M. Johnson	Mr. Rounseville
Mr. Boardman	Mr. Kelsey	Mr. Sexton
Mr. Bogart	Mr. Kennedy	Mr. Slocum
Mr. Bowen	Mr. Kidd	Mr. Smalley
Mr. Boyce	Mr. Leavenworth	Mr. Speaker
Mr. Brinkerhoff	Mr. McKinney	Mr. Stevens
Mr. Brewer	Mr. McLean	Mr. Stevenson
Mr. Budd	Mr. McNeal	Mr. Stewart
Mr. Button	Mr. Maine	Mr. Strever
Mr. Campbell	Mr. Markel	Mr. B. Thompson
Mr. Carver	Mr. Miller	Mr. J. E. Thompson
Mr. Clark	Mr. Moffatt	Mr. A. Tuttle
Mr. Crispell	Mr. Nash	Mr. H. C. Tuthill
Mr. Cross	Mr. Noble	Mr. Van Aiken
Mr. Culbert	Mr. Pardee	Mr. Van Orden
Mr. Curtis	Mr. Pease	Mr. Varnum
Mr. Elderkin	Mr. Perley	Mr. Ward
Mr. Elwood	Mr. Picket	Mr. Wells
Mr. Fish	Mr. Porter	Mr. Wheaton
Mr. Gates	Mr. Prescott	Mr. Willard
Mr. A. Gilbert	Mr. Pruyn	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wisewell
Mr. Goddard	Mr. Raynor	Mr. Woodruff
Mr. Gove	Mr. Roblee	Mr. Young
Mr. Green		

For the Negative,

Mr. St. John

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

In pursuance of previous notice Mr. L. Ward Smith asked for and obtained leave to bring in a bill entitled "An act in relation to the collection of taxes in the city of Rochester," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the incorporation of cities and villages.

By unanimous consent Mr. Elderkin asked for and obtained leave to bring in a bill entitled "An act to authorise a tax upon the town of Potsdam, to rebuild the bridges across Racket river, in the village of Potsdam," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on roads and bridges.

Mr. Rockwell offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur) That Brevet Major Joseph R. Smith, a native of this state, who served in the Indian war of 1832, and through the war against the Seminoles in Florida, and was favorably noticed for his courage, gallantry and good conduct therein, is entitled to the thanks of the people of his native state, which are hereby tendered him for his gallant services in Mexico; at Cerro Gordo where he greatly distinguished himself, and at Cherubusco where he was twice wounded, and was described by his commanding general as being as gallant a soldier as ever drew a sword. That in token of their high appreciation of his services, the Governor procure a medal to be struck with appropriate devices and inscriptions, and presented to him in the name of the people of the state, together with a copy of this resolution.

On motion of Mr. Hale,

*Ordered*, That the said resolution be referred to the committee on the militia and public defence.

Leave of absence was granted to Mr. Guernsey for four days.

On motion of Mr. Pruyn,

*Resolved*, That the bill making appropriations for the support of common schools, and bill appropriating the revenues of the Literature and United States Deposit Funds, be made the special order for to-morrow at 12 o'clock m.

Mr. Wing gave notice that he would at an early day ask leave to introduce a bill for the erection of additional rooms in the old State Hall, now occupied by the state geological collection and by the state agricultural society.

On motion of Mr. Nash,

*Resolved*, That the petitions and papers of Henry Crandle for canal damages, be taken from the files of the last House, and referred to the standing committee on claims.

Mr. Noble offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the bill entitled "An act for the relief of certain purchasers of lands acquired by treaty from the Stockbridge Indians," be referred to the committee of the whole which may be first in session.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

On motion of Mr. Noble,

*Resolved*, That the bill entitled "An act for the relief of certain purchasers of lands acquired by treaty of the Stockbridge Indians," be restored to the place it occupied in the order of business.

Mr. Van Orden gave notice of his intention at an early day to ask leave to bring in a bill to authorise the formation of savings banks.

On motion of Mr. Bagley,

*Resolved*, That a respectfull message be transmitted to the Senate, requesting that body to take from their files the petitions, maps, and papers in relation to the division of the town of Lyme, in the county of Jefferson, and transmit the same to this House, and that they be referred to the standing committee on the erection and division of towns and counties.

On motion of Mr. Elwood,

*Resolved*, That a select committee be appointed to inquire into and report upon the petitions and remonstrances presented to this house upon the subject of capital punishment.

*Ordered*, That Mr. Elwood, Mr. Noble, Mr. Button, Mr. Willard and Mr. Maine be such committee.

Mr. L. Ward Smith offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the bill, entitled "An act to declare the public utility of a railroad from Syracuse to Rochester on the most direct and eligible route," be referred to the committee of the whole having in charge the bill, entitled "An act to amend the charter of the Attica and Hornellsville Railroad company."

Mr. Speaker put the question whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the negative.

Mr. Disosway gave notice of his intention of introducing a bill at some early day to incorporate the New-York State Colonization society.

Mr. Cornell gave notice of his intention to introduce a bill to prevent the sale and use of slung shot.

Mr. Pruyn offered for the consideration of the House a resolution in the words followings, to wit:

*Resolved*, (if the Senate concur,) That Brevet Lieut. Col. George H. Talcott is entitled to the thanks of the people of his native State for his gallant and soldierly bearing and distinguished services at Cerro Gordo and Molino Del Rey and throughout the war with Mexico; that to commemorate his services and testify the gratitude of his fellow citizens, the Governor cause a gold medal to be made

with appropriate inscriptions and devices, and presented with the thanks and in the name of the people of the State of New-York to Lieut. Col. Talcott.

On motion of Mr. Pruyn,

*Ordered*, That the said resolution be referred to the committee on militia and public defence.

On motion of Mr. Noble,

*Resolved*, That the petition and papers on the files of this House in relation to the new county of Unadilla from parts of Chenango, Otsego and Delaware, be taken therefrom and referred to the committee on the erection and division of towns and counties.

The House then resolved itself into a committee of the whole, on the bill, entitled "An act for the relief of certain purchasers of lands acquired by treaty from the Stockbridge Indians," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. L. M. Gilbert from said committee, reported progress and asked leave to sit again.

Mr. Speaker put the question whether the House would grant leave to the committee of the whole to sit again and it was determined in the negative.

{ AYES 26 }  
{ NAYS 53 }

Those who voted in the affirmative are,

Mr. Brinkerhoff	Mr. Noble	Mr. B. Thompson
Mr. Campbell	Mr. Prescott	Mr. J. E. Thompson
Mr. Culbert	Mr. Pruyn	Mr. A. Tuttle
Mr. Elderkin	Mr. Rockwell	Mr. Varnum
Mr. Hammond	Mr. Smalley	Mr. Wells
Mr. Hoyt	Mr. L. Ward Smith	Mr. Wheaton
Mr. McKinney	Mr. Stevenson	Mr. Woodruff
Mr. Maine	Mr. Stewart	Mr. Young
Mr. Nash	Mr. Strever	

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Those who voted in the negative are,

Mr. B. Allen	Mr. Hale	Mr. Raynor
Mr. H. J. Allen	Mr. Hall	Mr. Richards
Mr. Beekman	Mr. Harmon	Mr. Roblee
Mr. Bellinger	Mr. M. Johnson	Mr. A. Robertson
Mr. Boardman	Mr. Kelsey	Mr. W. H. Robertson
Mr. Bogart	Mr. Kennedy	Mr. Rose
Mr. Bowen	Mr. Kidd	Mr. Rounseville
Mr. Boyce	Mr. McLean	Mr. St. John
Mr. Brewer	Mr. McNeal	Mr. Sexton
Mr. Button	Mr. Mersereau	Mr. Slocum
Mr. Clark	Mr. Miller	Mr. W. S. Smith
Mr. Crispell	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Disosway	Mr. Pardee	Mr. Van Auken
Mr. Gates	Mr. Pease	Mr. Van Orden

Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Goff  
Mr. Gove

Mr. Picket  
Mr. Pierce  
Mr. Porter  
Mr. Quackenboss

Mr. Ward  
Mr. Willard  
Mr. Wisewell

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The House then resolved itself into a committee of the whole on the bill, entitled "An act to authorise the Fultonville and Johnstown Plank Road company to erect a bridge across the Mohawk river, between Fultonville and Fonda," and after some time spent thereon, Mr. Speaker resumed the chair and Mr. Pruyn from said committee, reported that the committee had gone through said bill and agreed to the same with amendments which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith returned, entitled "An act to authorise the town of Newtown to sell a part of their common lands."

"An act to authorise and direct the surrogate of the county of Richmond, to admit to probate and record the last will and testament of Joseph P. Burger deceased."

"An act to extend the time for the collection of taxes in the town of New Scotland, Albany county."

"An act to amend the act entitled 'An act to incorporate the village of Jefferson, passed April 11, 1842.'"

*Ordered*, That the Clerk deliver the said bills to the Governor.

The Senate returned the engrossed bills entitled "An act to authorise the canal commissioners to change at two points the line of the Chemung canal." Also "An act requiring chattel mortgages to be registered." Also "An act authorising an appeal and payment of canal damages to Nirum Abbott."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to amend an act entitled 'An act to condense and amend the several acts relating to the village of Albion,' passed April 1, 1842," which was read the first time and by unanimous consent was also read a second time.

"An act relative to the State Arsenal in the city of New-York," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on militia and public defence.

On motion of Mr. Roblee,

*Ordered*, That the said bill be engrossed for its third reading.

"An act to provide for the collection of the fees of certain judicial and other offices," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The engrossed bill from the Senate entitled "An act to amend an act entitled 'An act to condense and amend the several acts relating

to the village of Albion, passed April 1, 1842," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 95 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Richards
Mr. H. J. Allen	Mr. Green	Mr. Roblee
Mr. Averill	Mr. Hale	Mr. A. Robertson
Mr. Bagley	Mr. Hall	Mr. W. H. Robertson
Mr. Beekman	Mr. Hammond	Mr. Rockwell
Mr. Bellinger	Mr. Harmon	Mr. Rounseville
Mr. Boardman	Mr. Hoyt	Mr. St. John
Mr. Bogart	Mr. M. Johnson	Mr. Sexton
Mr. Bowen	Mr. Kelsey	Mr. Slocum
Mr. Boyce	Mr. Kennedy	Mr. Smalley
Mr. Brinkerhoff	Mr. Kidd	Mr. L. Ward Smith
Mr. Brewer	Mr. Leavenworth	Mr. W. S. Smith
Mr. Budd	Mr. McKinney	Mr. Stevens
Mr. Button	Mr. McLean	Mr. Stevenson
Mr. W. Butts	Mr. McNeal	Mr. Stewart
Mr. Campbell	Mr. Maine	Mr. Strever
Mr. Carver	Mr. Markel	Mr. Stryker
Mr. Clark	Mr. Mersereau	Mr. B. Thompson
Mr. Cornell	Mr. Miller	Mr. J. E. Thompson
Mr. Crispell	Mr. Moffatt	Mr. A. Tuttle
Mr. Cross	Mr. Nash	Mr. H. C. Tuthill
Mr. Culbert	Mr. Noble	Mr. Van Auken
Mr. Curtis	Mr. Pardee	Mr. Van Orden
Mr. Disosway	Mr. Pease	Mr. Varnum
Mr. Elderkin	Mr. Perley	Mr. Vincent
Mr. Elwood	Mr. Picket	Mr. Ward
Mr. Fish	Mr. Pierce	Mr. Willard
Mr. Gates	Mr. Porter	Mr. Wilcox
Mr. A. Gilbert	Mr. Prescott	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. Goddard	Mr. Quackenboss	Mr. Young
Mr. Goff	Mr. Raynor	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act for the more effectual prevention of fires in the city

of New-York, and to amend the acts heretofore passed for that purpose."

The amendments were read, when

Mr. Brewer moved the House do concur in the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Brewer, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 96 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hammond	Mr. Rockwell
Mr. H. J. Allen	Mr. Harmon	Mr. Rose
Mr. Bagley	Mr. Hoyt	Mr. Rounseville
Mr. Beekman	Mr. M. Johnson	Mr. St. John
Mr. Bellinger	Mr. Kelsey	Mr. Sexton
Mr. Boardman	Mr. Kennedy	Mr. Slocum
Mr. Bogart	Mr. Kidd	Mr. Smalley
Mr. Bowen	Mr. Leavenworth	Mr. L. Ward Smith
Mr. Boyce	Mr. McKinney	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. McLean	Mr. Speaker
Mr. Brewer	Mr. McNeal	Mr. Stevens
Mr. Budd	Mr. Maine	Mr. Stevenson
Mr. Button	Mr. Markel	Mr. Stewart
Mr. Campbell	Mr. Marsh	Mr. Strever
Mr. Carver	Mr. Mersereau	Mr. Stryker
Mr. Clark	Mr. Miller	Mr. Sweet
Mr. Cornell	Mr. Moffatt	Mr. B. Thompson
Mr. Crispell	Mr. Nash	Mr. J. E. Thompson
Mr. Cross	Mr. Noble	Mr. A. Tuttle
Mr. Culbert	Mr. Pardee	Mr. H. C. Tuthill
Mr. Curtis	Mr. Pease	Mr. Van Auken
Mr. Disosway	Mr. Perley	Mr. Van Orden
Mr. Elderkin	Mr. Picket	Mr. Varnum
Mr. Fish	Mr. Pierce	Mr. Vincent
Mr. Gates	Mr. Porter	Mr. Ward
Mr. A. Gilbert	Mr. Prescott	Mr. Wells
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Wheaton
Mr. Goff	Mr. Quackenboss	Mr. Willard
Mr. Gove	Mr. Raynor	Mr. Wilcox
Mr. Green	Mr. Richards	Mr. Wisewell
Mr. Hale	Mr. Roblee	Mr. Woodruff
Mr. Hall	Mr. W. H. Robertson	Mr. Young

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**Ordered,** That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in the amendments of the Senate, and amended the same accordingly.

And then at 2 o'clock, p. m.,

On motion of Mr. Pruyn,

The House took a recess until 4 o'clock.

FOUR O'CLOCK P. M.

The House again met.

By unanimous consent,

Mr. Bagley, from the committee on the judiciary, to which was referred the bill entitled "An act to designate the time of holding courts of sessions of the county of Albany," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

On motion of Mr. Pruyn,

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent,

Mr. Pruyn presented the remonstrance of the united society of Shakers, against the bill amending the Revised Statutes in relation to dissolving the marriage contract, which was read and referred to the committee of the whole when on the bill upon that subject.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend article third, of title first, of chapter eighth, of part second, of the Revised Statutes, entitled of divorces, dissolving the marriage contract," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Campbell from said committee reported progress, and asked leave to sit again.

Mr. Speaker put the question whether the House would grant leave to sit again, and it was determined in the affirmative.

{ AYES 67 }  
{ NAYS 17 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. L. Ward Smith
Mr. H. J. Allen	Mr. Hale	Mr. W. S. Smith
Mr. Bagley	Mr. Hall	Mr. Speaker
Mr. Beekman	Mr. Hammond	Mr. Stevenson
Mr. Boardman	Mr. M. Johnson	Mr. Stewart
Mr. Bogart	Mr. Kennedy	Mr. Stryker
Mr. Boughton	Mr. Leavenworth	Mr. Taylor
Mr. Brewer	Mr. McKinney	Mr. B. Thompson
Mr. Budd	Mr. McLean	Mr. J. E. Thompson
Mr. Button	Mr. McNeal	Mr. A. Tuttle
Mr. W. Butts	Mr. Miller	Mr. H. C. Tuthill
Mr. Campbell	Mr. Noble	Mr. Van Auken
Mr. Cornell	Mr. Perley	Mr. Van Orden
Mr. Coss	Mr. Picket	Mr. Varnum
Mr. Curtis	Mr. Prescott	Mr. Vincent
Mr. Disosway	Mr. Pruyn	Mr. Ward
Mr. Dodge	Mr. Richards	Mr. Wells
Mr. Fish	Mr. Roblee	Mr. Willard
Mr. Gates	Mr. A. Robertson	Mr. Wilcox
Mr. A. Gilbert	Mr. Rockwell	Mr. Wing



Mr. Goddard  
Mr. Goff  
Mr. Gove

Mr. St. John  
Mr. Smalley

Mr. Woodruff  
Mr. Young

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Those who voted in the negative are,

Mr. Bellinger  
Mr. Bowen  
Mr. Brinkerhoff  
Mr. Bull  
Mr. Carver  
Mr. Clark

Mr. Crispell  
Mr. Culbert  
Mr. L. M. Gilbert  
Mr. Hoyt  
Mr. Kelsey  
Mr. Kidd

Mr. Maine  
Mr. Pease  
Mr. Porter  
Mr. Rounseville  
Mr. Strever

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Mr. Goff moved the said bill be made the special order for this evening at 7½ o'clock.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Goff, and it was determined in the negative.

Mr. Pruyn moved said bill be made the special order for to-morrow afternoon at 4 o'clock, and that the House take a recess from 2 o'clock until 4 o'clock.

Mr. B. Thompson moved to amend the said motion of Mr. Pruyn by making said bill the special order for Thursday at 4 o'clock p. m., and that the House take a recess from 2 o'clock until 4 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. B. Thompson, and it was determined in the negative.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

By unanimous consent,

The engrossed bill entitled "An act to designate the time for holding courts of sessions of the county of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Barber  
Mr. Bagley  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Bogart  
Mr. Bowen

Mr. L. M. Gilbert  
Mr. Goddard  
Mr. Gove  
Mr. Green  
Mr. Hale  
Mr. Hall  
Mr. Hammond  
Mr. Harmon  
Mr. Hoyt

Mr. Robles  
Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rounseville  
Mr. St. John  
Mr. Slocum  
Mr. Smalley  
Mr. L. Ward Smith

Mr. Boyce	Mr. M. Johnson	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Kelsey	Mr. Speaker
Mr. Brewer	Mr. Kennedy	Mr. Stevenson
Mr. Budd	Mr. Kidd	Mr. Stewart
Mr. Button	Mr. Leavenworth	Mr. Strever
Mr. W. Butts	Mr. McKinney	Mr. B. Thompson
Mr. Campbell	Mr. McLean	Mr. J. E. Thompson
Mr. Carver	Mr. McNeal	Mr. A. Tuttle
Mr. Clark	Mr. Maine	Mr. Van Aiken
Mr. Cornell	Mr. Miller	Mr. Van Orden
Mr. Crispell	Mr. Moffatt	Mr. Varnum
Mr. Cross	Mr. Nash	Mr. Vincent
Mr. Culbert	Mr. Pense	Mr. Ward
Mr. Curtis	Mr. Perley	Mr. Wells
Mr. Disoway	Mr. Pickett	Mr. Wheaton
Mr. Dodge	Mr. Porter	Mr. Willard
Mr. Elderkin	Mr. Prescott	Mr. Wilcox
Mr. Fish	Mr. Pruyn	Mr. Wing
Mr. Gates	Mr. Quackenbush	Mr. Woodruff
Mr. A. Gilbert	Mr. Richards	Mr. Young

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Ordered, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

An then at twenty minutes after 6 o'clock,

On motion of Mr. Dodge,

The House adjourned.

### WEDNESDAY, FEBRUARY 28, 1849.

The House met pursuant to adjournment.

Mr. W. S. Smith acting as Speaker, by appointment, under the 7th rule of the House.

Prayer by the Rev. Mr. Morrow.

The minutes of yesterday were read and approved.

Mr. H. C. Tuttle presented the memorial of the grand jury of Cayuga county, praying for the repeal of the existing laws relative to excise, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Bowen, Mr. Brewer, Mr. Rockwell, and Mr. Wells presented four several petitions of sundry citizens of this state, praying that the upper waters of the Hudson river may be cleared from obstructions, which was read and referred to the select committee on that subject.

Mr. Moffatt presented the remonstrance of sundry inhabitants of Port Jervis, in the county of Delaware, against the extension of the limits of a chartered ferry across the Delaware river, which was read

and referred to the committee of the whole while on the bill upon that subject.

Mr. Markel and Mr. Graham presented two several petitions of sundry inhabitants of the counties of Seneca and Ulster, for a law requiring the sale of lands sold for taxes, to be held in the counties where such lands are situated, which were read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Budd presented the petition of sundry inhabitants of the towns of Poestenkill and Sandlake, in the county of Rensselaer, praying for the appointment of three commissioners to run and establish the line between said towns, which was read and referred to the committee on the erection and division of towns and counties.

Mr. J. E. Thompson presented the petition of sundry inhabitants of the towns of Walton and Tompkins, in the county of Delaware, for the erection of a new county from parts of Delaware, Broome, Chenango and Otsego, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Wheaton presented the petition of sundry inhabitants of the county of Onondaga, praying for a law establishing free schools throughout the state, and a more effectual supervision and a further appropriation for teachers' institutes, which was read and referred to the committee on colleges, academies and common schools.

Mr. Hammond presented the petition of sundry inhabitants of school district No. 14, in the town of Milan, for the repeal of a law passed January 31, 1849, for levying a tax on said district, which was read and referred to the committee on colleges, academies, and common schools.

Messrs. M. Johnson, Sweet, J. E. Thompson, Kennedy, A. Tuttle, and Bailey presented 24 several petitions of sundry inhabitants of the counties of Niagara, Tioga, Delaware, Saratoga, and Greene, praying for a law prohibiting the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Slocum presented the petition of sundry inhabitants of the county of Onondaga, praying for a law for the preservation of game in said county, which were read and referred to the committee on the internal affairs of towns and counties.

Messrs. Pown, Brewer, Campbell, Cornell, Dodge, A. Gilbert, Perley, Taylor, Varnum, Pruyn, Wing, W. S. Smith and L. Ward Smith presented 24 petitions of sundry citizens of this State for a law to regulate the hours of labor and to restrict the same to ten hours, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mowry presented two petitions of sundry inhabitants of the county of Washington for an act declaring the public utility of a railroad from Troy to Rutland in Vermont, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Goff presented the petition of sundry inhabitants of Essex county for an act declaring the public utility of a railroad on the

west side of Lake Champlain, from Whitehall to the north line of the State, which was read and referred to the committee on railroads.

Mr. Elderkin presented the petition of sundry inhabitants of St. Lawrence co., for a bridge across the foot of Lake Champlain, near Rouse's point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Goff presented the remonstrance of sundry inhabitants of Essex co., against any law authorising the erection of a bridge across Lake Champlain at Rouse's point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. Ward Smith presented the petition of Patrick Ehre for relief by the payment of damage sustained in the loss of an eye while employed in the service of the State, which was read and referred to the committee on grievances.

Mr. Wing presented the memorial of the medical society of the State of New-York, remonstrating against the repeal of the act for the registration of births, deaths and marriages, which was read and referred to the committee on medical societies and colleges.

Mr. Stevenson presented the petition of sundry citizens of Ontario co., praying for a law consolidating the several railroad corporations between Albany and Buffalo, which was read and referred to the committee on railroads.

Mr. Wing presented the remonstrance of sundry citizens of the city of Albany against the proposed law establishing an exclusive steam boat landing in the southern part of said city, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Wells presented the petition of sundry inhabitants of Warren and Hamilton counties for the appointment of commissioners to lay out a road from Warren to Hamilton county, which was read and referred to the committee on roads and bridges.

Mr. Wheaton presented the petition of the directors and stockholders of the Syracuse and Tully Plank Road company for a law authorising said company to amend their articles of association, so as to change the termination of their road, which was read and referred to the committee on roads and bridges.

Mr. McLean presented the petition of W. H. C. Hosmer and Lewis W. Beecher for payment for attending McLeod's trial as witnesses on the part of the State, which was read and referred to the committee on claims.

Mr. A. Tuttle presented the petition of sundry inhabitants of Greene county, for the erection of the new county of Harrison from parts of Greene, Schoharie and Delaware counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Mowry presented the petition of sundry inhabitants of the town of Fort Edward, in the county of Washington, for the construction of an aqueduct across the Hudson river for the use of the

Champlain canal, which was read and referred to the committee on canals.

Mr. Pease presented the petition of sundry inhabitants of the county of Lewis, for an appropriation to complete the Black River canal from High Falls to Rome, which was read and referred to the committee on canals.

Mr. Elwood presented the petition of the trustees of the village of Rome, for an amendment of the charter of said village, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Pease presented the petition of sundry citizens of Jefferson co., for the establishment of free schools throughout the state, which was read and referred to the committee on colleges, academies and common schools.

Mr. Cornell presented the petition of James Brady and other citizens of New-York, for the removal of the quarantine from Staten Island, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred the bill entitled "An act to incorporate the Union Society of Hamilton College," reported that the committee had examined said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of school district number fourteen, in the towns of Milan and Pine Plains, for the repeal of a law passed Jan. 31, 1849, for laying a tax on said district, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. St. John, from the committee on the internal affairs of towns and counties, reported a bill entitled "An act to extend the powers and duties of overseers of highways," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Kidd from the committee on agriculture, to which was referred the petition of inhabitants of Queens co., for a law to incorporate the association for the improvement of the breed of horses, reported and asked and obtained leave to introduce a bill, entitled "An act to incorporate the New-York association for the improvement of the breed of horses," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole House.

Mr. Harmon from the committee on charitable and religious societies to which was referred the bill, entitled "An act to amend an act entitled 'An act to provide for sick and disabled seamen,' passed April 23, 1831," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of inhabitants of South Hampton, Suffolk co., for a law to provide for the appointment of a collector, reported and asked and obtained leave to introduce a bill, entitled "An act authorising the supervisor and any two justices of the town of South Hampton, in the county of Suffolk, to appoint a collector of taxes for said town," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Rose,

*Ordered*, That the said bill be referred to a select committee to report complete.

*Ordered*, That Mr. Rose, Mr. Miller, and Mr. Bagley be such committee.

Mr. Bagley from the committee on the judiciary to which was referred the petition of Samuel Hanford and Lauretta his wife of Allegany co., praying the Legislature to appoint a special guardian for Sarah Church, daughter of the said Lauretta Hanford, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Hoyt, from the committee on public lands, to which was referred the petition of Daniel Burt for the release of a judgment held by the State against David Burt, deceased, reported and asked and obtained leave to introduce a bill, entitled "An act to release the estate of David Burt from the payment of a judgment held by the State," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Rose from the committee on the militia and public defence, to which was referred so much of the annual message of the Governor as relates to the militia and public defence, reported and asked and obtained leave to introduce a bill, entitled "An act to provide for the appointment of brigade inspectors and prescribing their duties and compensation," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Noble from the committee on the judiciary, to which was referred the resolution of the House instructing said committee to inquire and report as to the constitutionality of a town in one Assen-

bly district being set off or annexed to a town in another Assembly district, reported in writing which was read and referred to the committee on the erection and division of towns and counties.

(See Doc. No. 138.)

Mr. Wells from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate, entitled "An act to amend an act for the incorporation of benevolent, charitable, scientific and missionary societies, passed April 12, 1848," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred the engrossed bill from the Senate, entitled "An act to provide for a free school in district number five, in the town of Bath, in the county of Steuben," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of Cherry Valley, for a division of said town, reported against the prayer of the petitioners and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Averill, from the committee on roads and bridges, to which was referred the bill entitled "An act to authorize a tax upon the town of Potsdam to rebuild the bridges across Rackett river in the village of Potsdam," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Elderkin,

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the bill entitled "An act in relation to the collection of taxes in the city of Rochester," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Elwood from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act to provide for the incorporation of religious societies, passed April 5, 1813," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Elwood, from the committee on the incorporation of cities and villages, to which was referred the petition of sundry inhabitants of Fultonville, for an amendment of the act for the incorporation of villages, reported, and asked and obtained leave to bring in a bill, entitled "An act to amend the act to provide for the incorporation of villages passed Dec. 7, 1847, so far as it relates to the village of Fultonville," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Noble, from the committee on the judiciary, to which was referred the engrossed bill from the Senate, entitled "An act authorising the election of a police justice in the village of Poughkeepsie,"<sup>2</sup> reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Strever,

*Ordered*, That said bill be read a third time.

Mr. Picket, from the committee on commerce and navigation, to which was referred the bill entitled "An act for the better security of persons crossing the ferries of the city and county of New-York,"<sup>2</sup> reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the engrossed bill from the Senate, entitled "An act to amend chapter two hundred and fourteen of the laws of 1842 in relation to the poor laws," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bass, from the select committee, to which was referred the bill entitled "An act authorising the supervisor and any two justices of the town of South Hampton, in the county of Suffolk, to appoint a collector of taxes for said town," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. McLean from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act to provide for the incorporation and regulation of telegraph companies, passed April 12, 1848,'" reported that the committee had gone through said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Dodge from the select committee to which was referred the bill entitled "An act to amend an act for the relief of partners and joint debtors, passed April 18, 1838,"<sup>2</sup> to report complete, reported



that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. L. Ward Smith, from the select committee, to which was referred the bill entitled "An act to amend an act entitled 'An act for the better security of mechanics and others erecting buildings and furnishing materials therefor, in the county of Richmond, passed May 11, 1846,'" reported that the committee had had said bill under consideration, made sundry amendments thereto, and altered the title so as to read "An act for the security by lien of mechanics and others erecting buildings and furnishing materials therefor," and saw no reason why the same, as amended, should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, Feb. 27, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bills entitled "An act to authorise and direct the surrogate of the county of Richmond, to admit to probate and record the last will and testament of Joseph P. Burger deceased."

"An act to authorise the town of Newtown to sell a part of their common lands."

"An act to extend the time for the collection of taxes in the town of New Scotland, Albany county."

"An act to amend the act entitled 'An act to incorporate the village of Jefferson,' passed April 11, 1842."

HAMILTON FISH.

The report of the Attorney General in answer to the resolution of the Assembly of February 17, requesting his opinion as to the constitutionality of forming new counties from parts of different Assembly districts, and also upon the constitutionality of the erection of a new county for judicial purposes only, was received and referred to the committee on the erection and division of towns and counties.

(See Doc. No. 123.)

On motion of Mr. Pruyn,

The House proceeded to the consideration of the amendments of the Senate to the bill entitled "An act to authorise the further enlargement of the opening in the Albany pier between the State and Columbia street bridges."

The said amendments were read, when

On motion of Mr. Pruyn,

*Resolved*, That the Assembly request a committee of conference on the matters in difference between the two Houses on the said bill, and in case of concurrence, that Mr. Pruyn, Mr. Wing, Mr. Barber, Mr. W. S. Smith and Mr. Bowen be of such committee on the part of the Assembly.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill, entitled "An act making appropriation for the Western House of Refuge," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on ways and means.

The engrossed bill, entitled "An act to authorise the Fultonville and Johnstown Plank Road Company to erect a bridge across the Mohawk river between Fultonville and Fonda," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 87 }  
{ NAYS 05 }

Those who voted in the affirmative are,

Mr. B. Ahen	Mr. Graham	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Hale	Mr. Rockwell
Mr. Averill	Mr. Hall	Mr. Rose
Mr. Bailey	Mr. Harmon	Mr. Rounseville
Mr. Bellinger	Mr. Hoyt	Mr. St. John
Mr. Boardman	Mr. Hudson	Mr. Sexton
Mr. Bogart	Mr. M. Johnson	Mr. Skeel
Mr. Bowen	Mr. Leavenworth	Mr. Slocum
Mr. Boyce	Mr. McKinney	Mr. L. Ward Smith
Mr. Brewer	Mr. McLean	Mr. W. S. Smith
Mr. Budd	Mr. McNeal	Mr. Stevens
Mr. Button	Mr. Maine	Mr. Stevenson
Mr. Campbell	Mr. Markel	Mr. Stewart
Mr. Carver	Mr. Marsh	Mr. Strever
Mr. Clark	Mr. Mersereau	Mr. Taylor
Mr. Cornell	Mr. Miller	Mr. B. Thompson
Mr. Crispell	Mr. Moffatt	Mr. A. Tuttle
Mr. Cross	Mr. Mowry	Mr. H. C. Tuthill
Mr. Culbert	Mr. Nash	Mr. Van Aiken
Mr. Curtis	Mr. Pardee	Mr. Van Orden
Mr. Dodge	Mr. Pease	Mr. Vincent
Mr. Elderkin	Mr. Perley	Mr. Ward
Mr. Fish	Mr. Picket	Mr. Wells
Mr. Gates	Mr. Pierce	Mr. Wheaton
Mr. A. Gilbert	Mr. Porter	Mr. Willard
Mr. L. M. Gilbert	Mr. Prescott	Mr. Wilcox
Mr. Goddard	Mr. Pruyn	Mr. Wing
Mr. Goff	Mr. Richards	Mr. Wisewell
Mr. Gove	Mr. Roblee	Mr. Young

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Those who voted in the negative are,

Mr. Beekman	Mr. Hammond	Mr. Noble
Mr. Brinkerhoff	Mr. Kalsey	

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**Ordered,** That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorize a tax upon the town of Potsdam to rebuild the bridges across Rackett river in the village of Potsdam," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Göve	Mr. Richards
Mr. H. J. Allen	Mr. Graham	Mr. Roblee
Mr. Averill	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Hall	Mr. Rockwell
Mr. Bailey	Mr. Hammond	Mr. Rose
Mr. Beekman	Mr. Harmon	Mr. Rounseville
Mr. Bellinger	Mr. M. Johnson	Mr. St. John
Mr. Boardman	Mr. Kelsey	Mr. Sexton
Mr. Boughton	Mr. Kennedy	Mr. Skeel
Mr. Bowen	Mr. Kidd	Mr. Slocum
Mr. Boyce	Mr. Leavenworth	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. McKinney	Mr. W. S. Smith
Mr. Brewer	Mr. McLean	Mr. Stevens
Mr. Budd	Mr. McNeal	Mr. Stevenson
Mr. Button	Mr. Maine	Mr. Strever
Mr. Campbell	Mr. Markel	Mr. B. Thompson
Mr. Carver	Mr. Marsh	Mr. J. E. Thompson
Mr. Clark	Mr. Miller	Mr. A. Tuttle
Mr. Crispell	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cross	Mr. Mowry	Mr. Van Orden
Mr. Culbert	Mr. Nash	Mr. Ward
Mr. Curtis	Mr. Pardee	Mr. Wells
Mr. Dodge	Mr. Pease	Mr. Wheaton
Mr. Elderkin	Mr. Perley	Mr. Willard
Mr. Fish	Mr. Picket	Mr. Wilcox
Mr. Gates	Mr. Pierce	Mr. Wing
Mr. A. Gilbert	Mr. Porter	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Prescott	Mr. Woodruff
Mr. Goddard	Mr. Pruyn	Mr. Young
Mr. Goff		

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**Ordered,** That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to amend an act for the relief of partners and joint debtors, passed April 18, 1838," was read a third time.

Mr. Speaker put the question whether the House would agree to

the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 91 }  
{ NAYS 66 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Graham	Mr. Richards
Mr. H. J. Allen	Mr. Green	Mr. Roblee
Mr. Averill	Mr. Hall	Mr. W. H. Robertson
Mr. Bagley	Mr. Hammond	Mr. Rockwell
Mr. Bailey	Mr. Harmon	Mr. Rose
Mr. Beekman	Mr. M. Johnson	Mr. Rounseville
Mr. Bellinger	Mr. Kelsey	Mr. Sexton
Mr. Boardman	Mr. Kennedy	Mr. Skeel
Mr. Bogart	Mr. Kidd	Mr. W. S. Smith
Mr. Bowen	Mr. Leavenworth	Mr. Stevens
Mr. Boyce	Mr. McKinney	Mr. Stevenson
Mr. Brinkerhoff	Mr. McLean	Mr. Stewart
Mr. Brewer	Mr. McNeal	Mr. Strever
Mr. Budd	Mr. Maine	Mr. Stryker
Mr. Button	Mr. Markel	Mr. B. Thompson
Mr. Campbell	Mr. Marsh	Mr. J. E. Thompson
Mr. Carver	Mr. Miller	Mr. A. Tuttle
Mr. Clark	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cornell	Mr. Mowry	Mr. Van Orden
Mr. Cross	Mr. Nash	Mr. Varnum
Mr. Culbert	Mr. Noble	Mr. Vincent
Mr. Curtis	Mr. Pardee	Mr. Ward
Mr. Dodge	Mr. Pease	Mr. Wells
Mr. Elderkin	Mr. Perley	Mr. Wheaton
Mr. Fish	Mr. Picket	Mr. Willard
Mr. Gates	Mr. Pierce	Mr. Wilcox
Mr. A. Gilbert	Mr. Porter	Mr. Wing
Mr. L. M. Gilbert	Mr. Prescott	Mr. Wisewell
Mr. Goddard	Mr. Prayn	Mr. Woodruff
Mr. Goff	Mr. Quackenboss	Mr. Yang
Mr. Gove		

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act for the election of a police justice in the village of Poughkeepsie," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Graham	Mr. Quackenboss
Mr. H. J. Allen	Mr. Hall	Mr. Richards
Mr. Averill	Mr. Hammond	Mr. Roblee
Mr. Bagley	Mr. Harmon	Mr. W. H. Robertson
Mr. Bailey	Mr. M. Johnson	Mr. Rockwell
Mr. Beekman	Mr. Kelsey	Mr. Rounseville
Mr. Bellinger	Mr. Kennedy	Mr. St. John
Mr. Boardman	Mr. Kidd	Mr. Sexton
Mr. Bogart	Mr. Leavenworth	Mr. Skeel
Mr. Bowen	Mr. McKinney	Mr. Slocum
Mr. Boyce	Mr. McLean	Mr. W. S. Smith
Mr. Brewer	Mr. McNeal	Mr. Stevens
Mr. Budd	Mr. Maine	Mr. Stevenson
Mr. Button	Mr. Markel	Mr. Strever
Mr. Campbell	Mr. Marsh	Mr. B. Thompson
Mr. Carver	Mr. Mersereau	Mr. J. E. Thompson
Mr. Clark	Mr. Miller	Mr. A. Tuttle
Mr. Crispell	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Cross	Mr. Mowry	Mr. Van Orden
Mr. Curtis	Mr. Nash	Mr. Varnum
Mr. Dodge	Mr. Noble	Mr. Vincent
Mr. Elderkin	Mr. Pardee	Mr. Ward
Mr. Fish	Mr. Pease	Mr. Wells
Mr. Gates	Mr. Perley	Mr. Wheaton
Mr. A. Gilbert	Mr. Picket	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Pierce	Mr. Wing
Mr. Goddard	Mr. Porter	Mr. Wisewell
Mr. Goff	Mr. Prescott	Mr. Woodruff
Mr. Gove	Mr. Pruyn	Mr. Young

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

The engrossed bill, entitled "An act authorising the supervisor and any two justices of the town of South Hampton, in the county of Suffolk, to appoint a collector of taxes for said town," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 90 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Graham	Mr. Richards
Mr. H. J. Allen	Mr. Hall	Mr. Roblee

Mr. Bagley	Mr. Hammond	Mr. A. Robertson
Mr. Bailey	Mr. Harmon	Mr. W. H. Robertson
Mr. Beekman	Mr. Hoyt	Mr. Rockwell
Mr. Bellinger	Mr. M. Johnson	Mr. Rose
Mr. Boardman	Mr. Kelsey	Mr. Rounseville
Mr. Bogart	Mr. Kennedy	Mr. St. John
Mr. Bowen	Mr. Kidd	Mr. Slocum
Mr. Boyce	Mr. Leavenworth	Mr. W. S. Smith
Mr. Brewer	Mr. McKinney	Mr. Stevens
Mr. Budd	Mr. McLean	Mr. Stevenson
Mr. Button	Mr. McNeal	Mr. Stewart
Mr. Campbell	Mr. Maine	Mr. Strever
Mr. Carver	Mr. Markel	Mr. Sweet
Mr. Clark	Mr. Marsh	Mr. B. Thompson
Mr. Cornell	Mr. Mersereau	Mr. J. E. Thompson
Mr. Crispell	Mr. Miller	Mr. A. Tuttle
Mr. Cross	Mr. Moffatt	Mr. H. C. Tuthill
Mr. Culbert	Mr. Mowry	Mr. Van Auken
Mr. Curtis	Mr. Nash	Mr. Van Orden
Mr. Dodge	Mr. Noble	Mr. Varnum
Mr. Elderkin	Mr. Pardee	Mr. Vincent
Mr. Fish	Mr. Pease	Mr. Ward
Mr. Gates	Mr. Picket	Mr. Wells
Mr. A. Gilbert	Mr. Pierce	Mr. Wheaton
Mr. L. M. Gilbert	Mr. Porter	Mr. Wilcox
Mr. Goddard	Mr. Prescott	Mr. Wing
Mr. Goff	Mr. Pruyn	Mr. Wisewell
Mr. Gove	Mr. Quackenboss	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

On motion of Mr. Boyce,

*Resolved*, That Assembly bill No. 184, being "An act to declare the public utility of a railroad from Syracuse to Rochester on the most direct and eligible route," be made the special order for Friday afternoon of this week, at 4 o'clock.

Mr. Brewer offered for the consideration of the House a resolution in the words followings, to wit:

*Resolved*, (if the Senate concur,) That Capt. Philip Kearney, a native of this State, having served with great gallantry and distinction in the late Mexican campaign, whereby he lost an arm in leading his troops on the enemy, and being an accomplished officer and one of the bravest of the brave; and that in token of the high appreciation of his services, the Governor procure a medal to be struck with appropriate devices and inscription and present it to him in the name of the people of this State, together with a copy of this resolution.

On motion of Mr. Rose,

*Ordered*, That the said resolution be referred to the committee on militia and public defence.

By unanimous consent,

Mr. McNeal asked for and obtained leave to introduce a bill, entitled "An act to amend an act to improve the Cayuga creek road, passed March 29, 1848," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on roads and bridges.

In pursuance of previous notice, Mr. Cornell asked for and obtained leave to introduce a bill, entitled "An act to prevent the use and sale of slung shot," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on militia and public defence.

Mr. Dodge presented certain amendments to the bill, entitled "An act to amend an act entitled 'An act to amend an act entitled an act for the establishment and regulation of the police of the city of New-York,'"

Mr. Dodge moved said amendments be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Dodge, and it was determined in the affirmative.

On motion of Mr. Perley,

*Resolved*, That the use of the Assembly Chamber be granted to Mr. Doheny, for the purpose of delivering a free lecture on the subject of the recent political movements in Ireland.

On motion of Mr. Richards,

*Resolved*, That the engrossed bill from the Senate entitled "An act authorising the payment of a sum of money to John Camerdon for giving information of an escheat," be made a special order for to-day.

Leave of absence was granted to Mr. Raynor for four days, and to Mr. Strever for one week.

The House then resolved itself into a committee of the whole, on the bill entitled "An act to regulate the hours of labor," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bowen from said committee, reported progress, and asked for and obtained leave to sit again.

The House then resolved itself into a committee of the whole on the special order of the day, it being the bills entitled as follows :

"An act making appropriations for the support of common schools for the year 1849 and 1850."

"An act appropriating the revenues of the Literature and United States Deposit Fund."

The engrossed bill from the Senate entitled "An act authorising the payment of a sum of money to John Camerdon, for giving information of an escheat."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Orden from said committee, reported progress on said two first mentioned bills, and asked leave to sit again.

Mr. Pruyn moved said bills be made the special order for to-morrow at 12 o'clock.

Mr. Speaker put the question whether the House would agree to

the said motion of Mr. Pruyn, and it was determined in the affirmative.

Mr. Van Orden from the same committee, reported that the committee had gone through said last mentioned bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent,

Mr. Van Auken asked for and obtained leave to bring in a bill entitled "An act to extend the time for the collection of taxes in the town of Bethlehem, in the county of Albany," which was read the first time and by unanimous consent was also read a second time.

On motion of Mr. Van Auken,

*Ordered*, That the said bill be engrossed for its third reading.

By unanimous consent the said bill was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 96 }  
{ NAYS 0 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Green	Mr. Rockwell
Mr. H. J. Allen	Mr. Hale	Mr. Rose
Mr. Averill	Mr. Hall	Mr. Roanokeville
Mr. Bailey	Mr. Hammond	Mr. Sexton
Mr. Beckman	Mr. Harmon	Mr. Skeel
Mr. Bellinger	Mr. M. Johnson	Mr. Slocum
Mr. Boardman	Mr. Kelsey	Mr. L. Ward Smith
Mr. Bowen	Mr. Kennedy	Mr. W. S. Smith
Mr. Boyce	Mr. McKinney	Mr. Stevens
Mr. Brinkerhoff	Mr. McLean	Mr. Stevenson
Mr. Brewer	Mr. McNeal	Mr. Stewart
Mr. Button	Mr. Maine	Mr. Sweet
Mr. Campbell	Mr. Markel	Mr. B. Thompson
Mr. Carver	Mr. Marsh	Mr. J. E. Thompson
Mr. Clark	Mr. Mercer	Mr. A. Tuttle
Mr. Cornell	Mr. Miller	Mr. H. C. Tuttle
Mr. Crispell	Mr. Moffatt	Mr. Van Auken
Mr. Cress	Mr. Mowry	Mr. Van Orden
Mr. Gifford	Mr. Nash	Mr. Varnum
Mr. Curtis	Mr. Noble	Mr. Vincent
Mr. Disoway	Mr. Pardee	Mr. Ward
Mr. Dodge	Mr. Pease	Mr. Wells
Mr. Elderkin	Mr. Perley	Mr. Wheaton
Mr. Gates	Mr. Pickett	Mr. Willard
Mr. A. Gilbert	Mr. Pierce	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Porter	Mr. Wing



Mr. Goddard  
Mr. Goff  
Mr. Gove  
Mr. Graham

Mr. Prescott  
Mr. Pruyn  
Mr. Richards  
Mr. W. H. Robertson

Mr. Wisewell  
Mr. Woodruff  
Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The House then resolved itself into a committee of the whole on the bill entitled "An act granting certain lands under water in Philipstown, Putnam co., to Frederick Philipse and others," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Noble from said committee reported progress and asked for and obtained leave to sit again.

And then at 2 o'clock, p. m.,

The House took a recess until 4 o'clock.

#### FOUR O'CLOCK P. M.

The House again met.

The House then resolved itself into a committee of the whole on the special order of the day, it being the bill entitled as follows :

"An act to amend article third, of title first, of chapter eighth, of part second, of the Revised Statutes, entitled of divorces, dissolving the marriage contract."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Campbell from said committee reported progress, and asked leave to sit again.

Mr. Varnum moved said bill be made the special order for Monday afternoon at 4 o'clock, and that the House take a recess from 2 o'clock until 4 o'clock.

Mr. Mersereau moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Mersereau, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Varnum, and it was determined in the negative.

Mr. Fish moved said bill be made the special order for to-morrow at 4 o'clock, and that the House take a recess from 2 o'clock until 4 o'clock, for the purpose of considering the same.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Fish, and it was determined in the negative.

Mr. Disosway moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Disosway, and it was determined in the negative.

{ AYES 31 }  
{ NAYS 47 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. A. Robertson
Mr. H. J. Allen	Mr. Hall	Mr. Rounseville
Mr. Bellinger	Mr. McNeal	Mr. St. John
Mr. Bowen	Mr. Maine	Mr. Skeel
Mr. Brinkerhoff	Mr. Miller	Mr. W. S. Smith
Mr. W. Butts	Mr. Moffatt	Mr. J. E. Thompson
Mr. Clark	Mr. Noble	Mr. H. C. Tuthill
Mr. Disosway	Mr. Picket	Mr. Van Auken
Mr. Gates	Mr. Pierce	Mr. Wilcox
Mr. A. Gilbert	Mr. Roblee	Mr. Woodruff
Mr. L. M. Gilbert		

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Those who voted in the negative are,

Mr. Averill	Mr. Goff	Mr. Quackenboss
Mr. Beekman	Mr. Gove	Mr. Richards
Mr. Bogart	Mr. Green	Mr. Stevenson
Mr. Boughton	Mr. Hale	Mr. Stewart
Mr. Brewer	Mr. Hammond	Mr. Sweet
Mr. Budd	Mr. Harmon	Mr. Taylor
Mr. Button	Mr. M. Johnson	Mr. B. Thompson
Mr. Campbell	Mr. Kelsey	Mr. A. Tuttle
Mr. Cornell	Mr. McKinney	Mr. Van Orden
Mr. Crispell	Mr. McLean	Mr. Varnum
Mr. Cross	Mr. Markel	Mr. Vincent
Mr. Curtis	Mr. Mersereau	Mr. Ward
Mr. Dodge	Mr. Mowry	Mr. Wells
Mr. Elderkin	Mr. Perley	Mr. Wheaton
Mr. Fish	Mr. Prescott	Mr. Wing
Mr. Fiske	Mr. Pruyt	

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Mr. McLean moved the House reconsider its vote making said bill a special order for Monday at 4 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. McLean, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to the motion to make the said bill a special order for Monday next, at 4 o'clock, and it was determined in the affirmative.

And then, at 6½ o'clock p. m.,

On motion of Mr. Campbell,

The House adjourned.

## THURSDAY, MARCH 1, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Needham.

The minutes of yesterday were read and approved.

Messrs. Carver and Fish presented three several petitions of sundry inhabitants of Clinton and Saratoga counties for the continuance of the Clinton State prison, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Boyce presented the resolutions of a public meeting of citizens of Palmyra in the county of Wayne, in favor of an act declaring the public utility of a railroad from Syracuse to Rochester on the most direct and eligible route, which were read and referred to the committee of the whole when on the bill upon that subject.

On motion of Mr. Cross,

*Ordered*, That said resolutions be printed.

Messrs. Speaker, Beekman and Stryker presented six several petitions of sundry citizens of this State, for a law fixing a legal days labor at ten hours, which were read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Elderkin and Carver presented two several petitions of sundry inhabitants of the counties of St Lawrence and Clinton for a law authorising the erection of a bridge across Lake Champlain near Rouse's point, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. A. Robertson presented the remonstrance of sundry citizens of the county of Washington against bridging Lake Champlain at Rouse's point or elsewhere, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mowry presented the petition of sundry inhabitants of Washington co., for a law declaring the public utility of a railroad from Troy to Rutland, Vermont, which was read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Bowen, Brewer and Stryker presented three petitions of sundry inhabitants of the city of New-York, praying for a law reorganizing the alma house department in that city, which was read and referred to a select committee consisting of the New-York delegation.

Mr. Sexton presented the petition of sundry inhabitants of the town of Cobleskill, in the county of Schoharie, for a division of that town, also a remonstrance of sundry other inhabitants of that town, against such division, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Markel presented the remonstrance of sundry inhabitants of the county of Seneca, against any division of that county, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Bailey presented two several petitions of sundry citizens of the county of Greene, against any division of said county which was read and referred to the committee on the erection and division of towns and counties.

Mr. A. Tuttle presented the petition of sundry inhabitants of Schoharie co., for the erection of the county of Harrison from parts of Greene, Schoharie and Delaware, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Boardman presented the remonstrance of sundry inhabitants of Allegany co., against any division of said county, or removal of the county buildings, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Noble presented the remonstrance of sundry citizens of Chenango co., against the erection of the proposed new county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Whittaker presented the petition of sundry inhabitants of the county of Delaware, for the erection of a new county from parts of the counties of Broome, Chenango, Delaware and Otsego, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Goff presented three several remonstrances, against any alteration of the line between the towns of Westport and Moriah in the county of Essex, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Taylor presented the petition of sundry citizens of New York, for a law limiting the quantity of land hereafter to be acquired by any one individual, which was read and referred to the select committee on that subject.

Mr. Wells presented the petition of the trustees and members of the First Presbyterian Church in the town of Bolton, in the county of Warren, for a law authorising them to sell or remove their old meeting house, which was read and referred to the committee on charitable and religious societies.

Mr. A. Robertson presented two several petitions of sundry inhabitants of the counties of Washington, Warren and Saratoga, for the construction of an aqueduct in the vicinity of the Fort Miller dam, which were read and referred to the committee on canals.

Mr. Carver and Mr. Robertson presented three several petitions of sundry citizens of the counties of Saratoga and Washington, for a law to declare the public utility of a railroad from Whitehall to intersect the Northern railroad on the west side of Lake Champlain, which were read and referred to the committee on railroads.

Mr. Goff presented three several petitions of sundry inhabitants of the county of Essex, for aid from the state in the construction of a road on the shore of Lake Champlain around Bulwagga bay, which were read and referred to the committee on roads and bridges.

Mr. Averill presented the petition of Seymour Green and Diodate Reese, for an act to amend the Revised Statutes in relation to high-

ways, which was read and referred to the committee on roads and bridges.

Mr. Stewart presented the petition of sundry inhabitants of Madison co., praying for a law conferring certain powers on justices of the peace in the village of Oneida, which was read and referred to the committee on the judiciary.

Mr. M. Johnson presented the petition of sundry inhabitants of Niagara co., praying for a law prohibiting the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Boughton presented the petition of sundry citizens of New Utrecht, in the county of Kings, praying for a law authorising the erection of a town hall in that town, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Wells from the committee on charitable and religious societies, to which was referred the petition of the trustees and members of the 1st Presbyterian church in the town of Bolton, for a law authorising them to sell their old meeting house, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the trustees of the 1st Presbyterian church in the town of Bolton to sell or remove their old meeting house," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. A. Robertson from the committee on the internal affairs of towns and counties, to which was referred the engrossed bill from the Senate entitled "An act to authorise the board of supervisors of the county of Herkimer, to raise money by tax, and to disburse the same, passed Sept. 21, 1847," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. Bellinger,

*Ordered*, That said bill be read a third time.

Mr. Harmon from the committee on charitable and religious societies, to which was referred the petition of the Baptist church and society, of Pittsford, Monroe co., for power to sell their parsonage, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the trustees of the first Baptist church, in the town of Pittsford, to sell and convey their parsonage house and lot," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Bailey from the committee on the judiciary, to which was referred the bill entitled "An act to regulate the police of Troy," reported that the committee had had said bill under consideration, made sundry amendments thereto, and saw no reason why the same as amended should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Wheaton from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of Montgomery co.,

for a law to build a free bridge over the Mohawk river, between Minden and St. Johnsville, reported, and asked, and obtained leave to bring in a bill entitled "An act to provide for building a free bridge across the Mohawk river, between the towns of St. Johnsville and Minden, in the county of Montgomery," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Averill from the committee on roads and bridges to which was referred the petition of the commissioners of highways of the town of Prattsburgh, for an act legalizing certain highways in said town, reported, and asked, and obtained leave to bring in a bill entitled "An act respecting highways in the town of Prattsburgh," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Quackenboss,

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of the Syracuse and Tully Plank Road Company, to change the termination of their road, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the Syracuse and Tully Plank Road Company, to change the termination of their road," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole House.

Mr. Wells from the select committee, to which was referred the bill entitled "An act to provide for improving the upper waters of the Hudson river," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Averill, from the committee on roads and bridges, to which was referred the bill entitled "An act to amend an act to improve the Cayuga creek road, passed March 29, 1848," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. St. John, from the committee on the internal affairs of towns and counties to which was referred the petition of inhabitants of Onondaga co., praying for the protection of game in said county, reported and asked and obtained leave to introduce a bill, entitled "An act for the preservation of game in the county of Onondaga," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Sweet from the select committee to which was referred the petition of James Hay for the release of the Leake escheat, reported against the prayer of the petitioners and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Hale from the committee on claims to which was referred the petition of inhabitants of Dansville for damages sustained by the construction of the Genesee Valley canal, reported and asked and obtained leave to introduce a bill, entitled "An act for the appraisal and payment of canal damages to Merritt H. Brown and others," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

(See Doc. No. 129.)

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, Feb. 28, 1849. }

TO THE ASSEMBLY :

I have this day approved and signed the bill, entitled as follows, to wit :

"An act to amend an act, entitled 'An act to incorporate the city of Rochester,' passed April 11, 1844, and the several acts amendatory thereof."

HAMILTON FISH.

The report of the Auburn and Syracuse Railroad company, in answer to a resolution of this House of Feb. 15, in relation to dividends, capital stock and expenses, was received and read and referred to the committee on railroads.

The annual report of the trustees of Union College was received, read, and referred to the committee on colleges, academies and common schools.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to authorise Benjamin L. James and James L. Schultz to establish and continue a ferry across the Hudson river from Piermont to the opposite shore in the county of Westchester."

The said amendments were read, when

Mr. Cornell moved the House concur in said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 82 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. Roblee
Mr. H. J. Allen	Mr. Hall	Mr. A. Robertson

Mr. Barber	Mr. Hammond	Mr. Rose
Mr. Beekman	Mr. Harmon	Mr. Rounseville
Mr. Bellinger	Mr. Hart	Mr. St. John
Mr. Boardman	Mr. Hoyt	Mr. Sexton
Mr. Bogart	Mr. M. Johnson	Mr. Skeel
Mr. Bowen	Mr. Kelsey	Mr. W. S. Smith
Mr. Boyce	Mr. Kennedy	Mr. Speaker
Mr. Brewer	Mr. Leavenworth	Mr. Stevenson
Mr. Budd	Mr. McKinney	Mr. Stryker
Mr. Button	Mr. McLean	Mr. B. Thompson
Mr. Campbell	Mr. McNeal	Mr. J. E. Thompson
Mr. Carver	Mr. Maine	Mr. A. Tuttle
Mr. Clark	Mr. Markel	Mr. H. C. Tuthill
Mr. Cornell	Mr. Mersereau	Mr. Van Orden
Mr. Crispell	Mr. Miller	Mr. Varnum
Mr. Cross	Mr. Noble	Mr. Vincent
Mr. Culbert	Mr. Pardee	Mr. Ward
Mr. Disosway	Mr. Pease	Mr. Wells
Mr. Elderkin	Mr. Perley	Mr. Wheaton
Mr. Fish	Mr. Picket	Mr. Whittaker
Mr. Gates	Mr. Pierce	Mr. Willard
Mr. A. Gilbert	Mr. Porter	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Prescott	Mr. Wing
Mr. Goddard	Mr. Pruyn	Mr. Wisewell
Mr. Graham	Mr. Quackenboss	Mr. Young
Mr. Green		

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

On motion of Mr. Pruyn,

The House proceeded to the consideration of the engrossed bill entitled "An act to amend the Revised Statutes in relation to sales at auction."

Mr. Pruyn moved said bill be recommitted to the committee on trade and manufactures.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

The engrossed bill, entitled "An act respecting highways in the town of Prattsburgh," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. Roblee
Mr. H. J. Allen	Mr. Gove	Mr. A. Robertson



Mr. Averill	Mr. Graham	Mr. Rose
Mr. Bagley	Mr. Green	Mr. Rounseville
Mr. Bailey	Mr. Hall	Mr. St. John
Mr. Bellinger	Mr. Hammond	Mr. Sexton
Mr. Boardman	Mr. Harmon	Mr. Skeel
Mr. Bogart	Mr. Hoyt	Mr. Slocum
Mr. Boughton	Mr. Kelsey	Mr. W. S. Smith
Mr. Bowen	Mr. Kennedy	Mr. Speaker
Mr. Boyce	Mr. Kidd	Mr. Stevenson
Mr. Brinkerhoff	Mr. Leavenworth	Mr. Stewart
Mr. Brewer	Mr. McKinney	Mr. Stryker
Mr. Budd	Mr. McLean	Mr. B. Thompson
Mr. Button	Mr. McNeal	Mr. J. E. Thompson
Mr. W. Butts	Mr. Maine	Mr. A. Tuttle
Mr. Campbell	Mr. Markel	Mr. H. C. Tuthill
Mr. Carver	Mr. Mersereau	Mr. Van Auken
Mr. Clark	Mr. Miller	Mr. Van Orden
Mr. Crispell	Mr. Moffatt	Mr. Varnum
Mr. Cross	Mr. Mowry	Mr. Vincent
Mr. Culbert	Mr. Pardee	Mr. Ward
Mr. Disosway	Mr. Pease	Mr. Wells
Mr. Dodge	Mr. Perley	Mr. Wheaton
Mr. Elderkin	Mr. Picket	Mr. Whittaker
Mr. Fox	Mr. Pierce	Mr. Willard
Mr. Gates	Mr. Porter	Mr. Wilcox
Mr. A. Gilbert	Mr. Pruyn	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Young
Mr. Goddard	Mr. Richards	

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to amend an act, entitled 'An act to authorise the board of supervisors of the county of Herkimer to raise money by tax and disburse the same,' passed Sept. 1, 1847," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Richards
Mr. H. J. Allen	Mr. Graham	Mr. Roblee
Mr. Averill	Mr. Greep	Mr. A. Robertson
Mr. Bagley	Mr. Hall	Mr. Rose
Mr. Bailey	Mr. Hammond	Mr. Rounseville

Mr. Bellinger	Mr. Harmon	Mr. St. John
Mr. Boardman	Mr. Hoyt	Mr. Sexton
Mr. Boughton	Mr. M. Johnson	Mr. Skeel
Mr. Bowen	Mr. Kelsey	Mr. S ocum
Mr. Boyce	Mr. Kennedy	Mr. Speaker
Mr. Brinkerhoff	Mr. Kidd	Mr. Stevenson
Mr. Brewer	Mr. Leavenworth	Mr. Stewart
Mr. Budd	Mr. McKinney	Mr. Sweet
Mr. Button	Mr. McLean	Mr. B. Thompson
Mr. W. Butts	Mr. McNeal	Mr. J. E. Thompson
Mr. Carver	Mr. Maine	Mr. A. Tuttle
Mr. Clark	Mr. Markel	Mr. H. C. Tuthill
Mr. Cornell	Mr. Mersereau	Mr. Van Auken
Mr. Crispell	Mr. Miller	Mr. Van Orden
Mr. Cross	Mr. Moffatt	Mr. Varnum
Mr. Culbert	Mr. Mowry	Mr. Vincent
Mr. Disosway	Mr. Pardee	Mr. Ward
Mr. Dodge	Mr. Pease	Mr. Wells
Mr. Elderkin	Mr. Perley	Mr. Wheaton
Mr. Fox	Mr. Picket	Mr. Whittaker
Mr. Gates	Mr. Pierce	Mr. Willard
Mr. A. Gilbert	Mr. Porter	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Prescott	Mr. Wisewell
Mr. Goddard	Mr. Pruyn	Mr. Young
Mr. Goff	Mr. Quackenboss	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate, entitled "An act authorising the payment of a sum of money to John Camerdon for giving information of an escheat," was read a third time.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 89 }  
{ NAYS 02 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Prescott
Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Pruyn
Mr. Averill	Mr. Goddard	Mr. Quackenboss
Mr. Bagley	Mr. Goff	Mr. Raynor
Mr. Bailey	Mr. Gove	Mr. Richards
Mr. Bellinger	Mr. Graham	Mr. Roblee
Mr. Boardman	Mr. Green	Mr. A. Robertson
Mr. Bogart	Mr. Hall	Mr. Rockwell
Mr. Boughton	Mr. Harmon	Mr. Rose

Mr. Bowen	Mr. Hoyt	Mr. Rounsaville
Mr. Boyce	Mr. M. Johnson	Mr. St. John
Mr. Brinkerhoff	Mr. Kelsey	Mr. Sexton
Mr. Brewer	Mr. Kennedy	Mr. Skeel
Mr. Budd	Mr. Kidd	Mr. Slocum
Mr. Bull	Mr. Leavenworth	Mr. Speaker
Mr. Button	Mr. McKinney	Mr. Stevenson
Mr. W. Butts	Mr. McLean	Mr. Stewart
Mr. Buxton	Mr. McNeal	Mr. J. E. Thompson
Mr. Carver	Mr. Maine	Mr. A. Tuttle
Mr. Clark	Mr. Markel	Mr. H. C. Tuthill
Mr. Crispell	Mr. Mersereau	Mr. Van Orden
Mr. Cross	Mr. Miller	Mr. Varnum
Mr. Culbert	Mr. Moffatt	Mr. Vincent
Mr. Curtis	Mr. Mowry	Mr. Ward
Mr. Disosway	Mr. Nash	Mr. Wheaton
Mr. Dodge	Mr. Pease	Mr. Willard
Mr. Elwood	Mr. Perley	Mr. Wilcox
Mr. Fitzhugh	Mr. Picket	Mr. Wisewell
Mr. Fox	Mr. Pierce	Mr. Young
Mr. Gates	Mr. Porter	

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Those who voted in the negative are,

Mr. W. S. Smith      Mr. B. Thompson      2

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

On motion of Mr. Rose,

*Resolved*, That the committee on the militia and public defence be discharged from the further consideration of the bill from the Senate, entitled "An act relative to the State arsenal in the city of New-York," and that the same be referred to the New-York delegation.

Mr. Rockwell gave notice that he would at some early day ask leave to introduce a bill to amend chap. 16, title 1, article 2, sec. 19, of the Revised Statutes, in relation to highway labor.

Mr. H. J. Allen offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That Capt. Morton Fairchild of the first regiment of the New-York State volunteers, having served with great gallantry and distinction in the late Mexican war, is entitled to the thanks of the people of this State; and that, in token of the high appreciation of his services, the Governor of this State procure a medal to be struck with appropriate devices and inscriptions, and presented to the said Captain Morton Fairchild in the name of the people of this State, together with a copy of this resolution.

On motion of Mr. H. J. Allen,

*Ordered*, That the said motion be referred to the committee on the militia and public defence.

On motion of Mr. Ward,

*Resolved*, That the bill, entitled "An act to provide for the sale of lands for taxes hereafter assessed in the counties where such lands are situated," be a special order for Tuesday next, at 7 o'clock p. m.

On motion of Mr. Hammond,

*Resolved*, That the commissioners of the Land Office be requested to transmit to this House a copy of the report made to the Hon. the Senate, on the 9th of March, 1790, by the said commissioners, on the petition of Benjamin Birdsall and his associates, referred to the said commissioners on the 4th of March 1790, for a report thereon.

Mr. Perley offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Secretary of State be and he is hereby authorised to deliver to the Board of Education of the village of Lockport, to the apprentices library of the city of New-York, and to the apprentices library of the city of Albany, and to the charity school of the Protestant Dutch church in the city of New-York, one copy each of the Natural History of the State of New-York.

*Ordered*, That the said resolution be laid upon the table.

Mr. Sweet offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Assembly bill number 270, to amend "An act requiring compensation for causing death by wrongful act, neglect or default, passed Dec. 13, 1847," be referred to the first committee of the whole which shall be in session.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. Leavenworth offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That from this day the hours of meeting of this House be at 10 o'clock A. M. and at 4 o'clock P. M. the remainder of this session.

*Ordered*, That the said resolution be laid on the table.

Mr. J. E. Thompson gave notice that he would at an early day ask leave to introduce a bill, to authorise the Bainbridge and Deposit Plank Road Company, to construct a bridge across the Susquehanna river at Bainbridge.

Mr. Taylor offered for the consideration of the House, resolutions in the words following, to wit:

*Resolved*, (if the Senate concur) That the public lands are common property of the people, and of right should be held and appropriated for their common use and benefit, and for no other use or purpose whatever.

*Resolved*, (if the Senate concur) That our Senators in Congress be instructed, and our Representatives in Congress requested, to use their best efforts to obtain the passage of a law to prohibit the sale of the public lands, and to cause them to be surveyed into lots of a limited quantity for the use of actual settlers.

*Ordered*, That the said resolutions be laid upon the table.

Leave of absence was granted to Mr. Buxton for ten days, to Mr. White for six days, and to Mr. Smalley for five days.

Mr. Campbell offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of copies of the list of members and officers of the Assembly, with the accompanying statistics, which has been prepared by the librarian under the direction of clerk, be printed.

*Ordered*, That the said motion be referred to the committee on public printing.

On motion of Mr. Averill,

*Resolved*, That the petition and papers on file in this House (with the reports thereon) of David Lipe and John Keller, in relation to lands taken by this state, be taken from the files and referred to the judiciary committee to report to this House if they have any legal or equitable claim under the different laws of this state, and the provisions of the act passed Feb. 28, 1789.

Mr. Boughton gave notice that he would ask leave to introduce a bill to preserve a fair competition between the Albany and Schenectady and Troy and Schenectady railroad companies.

In pursuance of previous notice, Mr. Van Orden asked for and obtained leave to bring in a bill entitled "An act to authorise the formation of savings banks," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

In pursuance of previous notice Mr. Bailey asked for and obtained leave to bring in a bill entitled "An act to provide for the erection of a fire proof building for the state library," which was read the first time, and by unanimous consent was also read a second time, and referred to the joint library committee.

By unanimous consent,

Mr. L. Ward Smith asked for and obtained leave to bring in a bill entitled "An act authorising the canal board to lengthen the locks on the Erie canal between Syracuse and Rochester," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on canals.

The House then resolved itself into a committee of the whole on the bill entitled "An act to regulate the hours of labor," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Boughton from said committee, reported progress, and asked for and obtained leave to sit again.

The House then again resolved itself into a committee of the whole on the special order of the day, it being the bills entitled as follows:

**An act making appropriations for the support of common schools for the years 1849 and 1850.**

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

§ 1. The following sums are hereby appropriated to the objects hereinafter expressed to be paid out of the income of the several

funds hereinafter designated in each of the years eighteen hundred and forty-nine, and eighteen hundred and fifty.

1. For the use of the common schools, one hundred and twenty thousand dollars out of the revenue of the common school fund.

2. For the like purpose, one hundred and ten thousand dollars out of the revenue of the United States deposit fund.

3. For the district school libraries, the sum of fifty thousand dollars out of the income of said deposit fund: provided however, and the superintendent of common schools is hereby authorised to purchase a sufficient number of copies of Barnard's School Architect, to supply each school district with one copy, and the amount necessary for that purpose shall be deducted from said sum of fifty-five thousand dollars, and paid by the treasurer on the warrant of the comptroller to such person or persons as the superintendent of common schools shall direct. The said appropriations, except as last aforesaid, shall be paid on the conditions prescribed in the existing statutes of this state relating to common schools and according to the apportionment to be made by the state superintendent.

"An act appropriating the revenues of the Literature and United States Deposit Funds."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Orden from said committee, reported that the committee had gone through said first mentioned bill, and amended the same so as to read as follows:

### **An act making appropriations for the support of common schools for the years 1849 and 1850.**

*The People of the State of New-York represented in Senate and Assembly, do enact as follows:*

§ 1. The following sums are hereby appropriated to the objects hereinafter expressed, to be paid out of the income of the several funds hereinafter designated, in each of the years eighteen hundred and forty-nine and eighteen hundred and fifty.

1. For the use of the common schools, one hundred and twenty thousand dollars out of the revenue of the common school fund.

2. For the like purpose, one hundred and ten thousand dollars out of the revenue of the United States deposit fund.

3. For the district school libraries, the sum of fifty-five thousand dollars out of the income of the said deposit fund. The said appropriations shall be paid on the conditions prescribed in the existing statutes of this state relating to common schools and according to the apportionment to be made by the state superintendent.

The question being upon agreeing to the report of the committee of the whole.

Mr. Fiske moved to amend the report of the committee by restoring the bill as originally reported, and by adding after the word "direct," in the 16th line, the words, "but such work shall not be purchased for the districts in any city or town, which shall, through its superintendent of common schools, signify its unwillingness to re-

ceive the same, and to such districts their full proportion of the library money shall be paid."

Mr. W. S. Smith moved that the report of the committee of the whole be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the negative.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the negative.

{ AYES 54 }  
{ NAYS 35 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Graham	Mr. Speaker
Mr. Barber	Mr. Hale	Mr. Stevenson
Mr. Beekman	Mr. Hall	Mr. Sweet
Mr. Bogart	Mr. Kennedy	Mr. B. Thompson
Mr. Bowen	Mr. Leavenworth	Mr. J. E. Thompson
Mr. Button	Mr. McLean	Mr. Varnum
Mr. Campbell	Mr. Noble	Mr. Wells
Mr. Cornell	Mr. Pardee	Mr. Wheaton
Mr. Fiske	Mr. Pruyn	Mr. Whittaker
Mr. Fox	Mr. Richards	Mr. Wilcox
Mr. A. Gilbert	Mr. Rockwell	Mr. Young
Mr. Goddard	Mr. St. John	

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Those who voted in the negative are,

Mr. B. Allen	Mr. Green	Mr. Prescott
Mr. Bellinger	Mr. Hammond	Mr. Quackenboss
Mr. Boardman	Mr. Hart	Mr. Roblee
Mr. Boyce	Mr. Hoyt	Mr. A. Robertson
Mr. Brinkerhoff	Mr. M. Johnson	Mr. Rose
Mr. Brewer	Mr. Kelsey	Mr. Rounseville
Mr. Budd	Mr. McKinney	Mr. Sexton
Mr. W. Butts	Mr. McNeal	Mr. Slocum
Mr. Carver	Mr. Maine	Mr. W. S. Smith
Mr. Clark	Mr. Markel	Mr. Stryker
Mr. Crispell	Mr. Mersereau	Mr. Taylor
Mr. Cross	Mr. Miller	Mr. H. C. Tuthill
Mr. Culbert	Mr. Moffatt	Mr. Van Orden
Mr. Disosway	Mr. Pease	Mr. Vincent
Mr. Elderkin	Mr. Perley	Mr. Ward
Mr. Fish	Mr. Picket	Mr. Willard
Mr. Gates	Mr. Pierce	Mr. Wing
Mr. L. M. Gilbert	Mr. Porter	Mr. Wisewell

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Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Van Orden, from the same committee, reported progress on said last mentioned bill, and asked leave to sit again.

Mr. Perley moved that said bill be made a special order for tomorrow at 11 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Perley, and it was determined in the affirmative.

An then, at quarter past two o'clock,

On motion of Mr. Wells,

The House adjourned.

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## FRIDAY, MARCH 2, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Morrow.

The minutes of yesterday were read and approved.

Mr. Wheaton presented the petition of sundry members of the various religious societies in the city of Syracuse for a law authorising any such society to increase the number of its trustees, which was read and referred to the committee on charitable and religious societies.

Mr. Graham presented the remonstrance of sundry inhabitants of the county of Ulster against any law prohibiting the use of drift nets in the Hudson river, which was read and referred to the select committee on that subject.

Mr. B. Thompson presented the petition of the officers and privates of the 65th regiment for an amendment of the militia laws of the State, which was read and referred to the committee on the militia.

Mr. Carver and Mr. Hall presented two several petitions of sundry citizens of this State for the continuation of the Clinton prison, which were read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Markel, Sweet and Wisewell presented three several petitions of sundry citizens of the counties of Seneca, Tioga and Yates for a law prohibiting the sale of intoxicating liquors as a beverage, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Wells presented two petitions of sundry inhabitants of the counties of Washington, Warren and Saratoga for the construction of an aqueduct across the Hudson river near Saratoga dam, which were read and referred to the committee on canals.

Mr. Hale presented three remonstrances of sundry inhabitants of the towns of North Danville and Howard, against the erection of a



new town from parts of Dansville, Howard, Wayland and Cohocton, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Noble presented the remonstrance of citizens of Otsego county against the erection of the new county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Markel presented the petition of sundry inhabitants of the county of Seneca for a law to change the present locality of a portion of the Cayuga and Seneca canals, which was read and referred to the committee on canals.

Mr. Hale presented the remonstrance of sundry citizens of Steuben co., against any alteration of the lower level of the Chemung canal, which was read and referred to the committee on canals.

Mr. Markel presented the remonstrance of sundry citizens of Seneca co., against any law allowing railroad companies to carry live stock and fresh provisions without the payment of tolls, which was read and referred to the committee on canals.

Mr. Boardman presented the remonstrance of sundry inhabitants of the county of Allegany against any division of said county, or the removal of county buildings therein, which was read and referred to the committee on the erection and division of towns and counties.

Mr. McLean presented the remonstrance of sundry inhabitants of the town of North Dansville, against annexing any additional territory to that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Speaker presented the remonstrance of sundry inhabitants of Hoosick, in the county of Rensselaer, against restoring the office of county superintendent of common schools, which was read and referred to the committee on colleges, academies, and common schools.

Mr. Rose presented the remonstrance of sundry inhabitants of the town of South Hampton, in the county of Suffolk, against any law regulating the eel fishery in the waters of said town, which was read and referred to the select committee consisting of the delegation from the counties of Queens and Suffolk.

Mr. A. Tuttle presented the petition of sundry inhabitants of the town of Jefferson, in the county of Schoharie, for a law erecting the county of Harrison from parts of the counties of Greene, Schoharie and Delaware, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. McNeal presented the remonstrance of sundry inhabitants of the town of Hamburg, in the county of Erie, against any division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. A. Gilbert presented five several petitions of sundry inhabitants of the city of New-York, for a law reorganizing the alms house department in that city, which was read and referred to the select committee consisting of the New-York delegation.

Mr. W. S. Smith presented the petition of sundry inhabitants of

the county of Queens for the incorporation of the association for the improvement of the breed of horses, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Carver presented the remonstrance of sundry inhabitants of the county of Saratoga, against the erection of a bridge across Lake Champlain, near Rouses' point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Wisewell presented the petition of sundry inhabitants of the county of Columbia, for a law making all banks and banking associations redeem their notes in Albany or New-York at par, or at a rate of discount not exceeding one quarter of one per cent, which was read and referred to the committee of the whole when on the bill on that subject.

Mr. Markel presented the petition of the trustees of the village of Waterloo, in the county of Seneca, praying for an act to extend the limits of their charter, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Hudson presented the petition of sundry citizens of New-York for a law limiting a legal day's labor to ten hours, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Woodruff presented the petition of sundry inhabitants of Livingston county for the sale of lands sold for taxes, in the counties in which such lands are situated, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Rose from the committee on the militia and public defence, to which was referred the bill, entitled "An act to prevent the use and sale of slung shot," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Cross from the select committee to which was referred the bill, entitled "An act to authorise the construction of a canal in the city of Brooklyn for drainage and other purposes," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Beekman from the joint library committee to which was referred the bill entitled "An act to provide for the erection of a fire-proof building for the State library," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bill, entitled as follows to wit:

"An act making appropriations for the support of common schools for the year 1849 and 1850."

And found the same correctly engrossed.

*Ordered*, That the said bill be read a third time.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 1, 1849. }

TO THE ASSEMBLY :

I have this day approved and signed the bills, entitled as follows, to wit :

"An act requiring chattel mortgages to be registered."

"An act to authorise the Canal Commissioners to change at two points the line of the Chemung canal."

"An act authorising an appraisal and payment of canal damages to Nirum Abbott."

"An act to amend the charter of the village of Williamsburgh."

HAMILTON FISH.

A communication from the Secretary of State in answer to a resolution of this House of March first in relation to the report of the commissioners of the land office on the petition of Benjamin Birdsall in the year 1790 was received and laid on the table.

(See Doc. No. 162.)

A message from the Senate was received and read, requesting the concurrence of the Assembly to the resolution therewith delivered, in the words following, to wit:

*Resolved*, That the Honorable the Assembly be respectfully requested to transmit to this body the remonstrance against the resolution of the New-York Chamber of Commerce against a change of the site of the Quarantine establishment, and that when received the same be printed.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The Senate returned the engrossed bills, entitled "An act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose;" also, "An act to authorise Benjamin L. James and James L. Schultz to establish and continue a ferry across the Hudson river from Pierpont to the opposite shore, in the county of Westchester."

*Ordered*, That the Clerk deliver the said bills to the Governor.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith returned, entitled "An act to extend the time for the collection of taxes in the town of Bethlehem, in the county of Albany."

"An act authorising the supervisor and any two justices of the peace of the town of Southampton in the county of Suffolk, to appoint a collector of taxes for said town."

"An act to designate the time of holding courts of sessions in the county of Albany."

*Ordered,* That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to change the name of Charles W. Cobleigh to Charles W. McCune," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

The engrossed bill, entitled "An act making appropriations for the support of common schools for the year 1849 and 1850," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Richards
Mr. Barber	Mr. Gove	Mr. Roblee
Mr. Beekman	Mr. Graham	Mr. A. Robertson
Mr. Bellinger	Mr. Green	Mr. W. H. Robertson
Mr. Boardman	Mr. Hale	Mr. Rose
Mr. Boughton	Mr. Hall	Mr. Rounseville
Mr. Bowen	Mr. Hammond	Mr. St. John
Mr. Boyce	Mr. Harmon	Mr. Sexton
Mr. Brinkerhoff	Mr. Hart	Mr. Skeel
Mr. Brewer	Mr. Hoyt	Mr. Slocum
Mr. Button	Mr. M. Johnson	Mr. W. S. Smith
Mr. W. Butts	Mr. Kelsey	Mr. Stevenson
Mr. Campbell	Mr. Kennedy	Mr. S ryker
Mr. Carver	Mr. Leavenworth	Mr. Sweet
Mr. Clark	Mr. McKinney	Mr. Taylor
Mr. Cornell	Mr. McLean	Mr. Terry
Mr. Crispell	Mr. McNeal	Mr. B. Thompson
Mr. Cross	Mr. Maine	Mr. J. E. Thompson
Mr. Culbert	Mr. Miller	Mr. Van Orden
Mr. Curtis	Mr. Noble	Mr. Varnum
Mr. Disosway	Mr. Pardee	Mr. Vincent
Mr. Dodge	Mr. Pease	Mr. Ward
Mr. Elderkin	Mr. Perley	Mr. Wells
Mr. Fish	Mr. Picket	Mr. Wheaton
Mr. Fiske	Mr. Pierce	Mr. White
Mr. Fox	Mr. Porter	Mr. Wilcox
Mr. Gates	Mr. Prescott	Mr. Wisewell
Mr. A. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Young
Mr. Glasa		

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to authorise the construction of a canal in the city of Brooklyn, for drainage and other purposes," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 85 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. W. H. Robertson
Mr. Barber	Mr. Hall	Mr. Rose
Mr. Bellinger	Mr. Hammond	Mr. Rounseville
Mr. Boardman	Mr. Harmon	Mr. St. John
Mr. Boyce	Mr. Hart	Mr. Sexton
Mr. Brinkerhoff	Mr. Hoyt	Mr. Skeel
Mr. Brewer	Mr. Hudson	Mr. Slocum
Mr. Button	Mr. M. Johnson	Mr. W. S. Smith
Mr. W. Butts	Mr. Kelsey	Mr. Speaker
Mr. Campbell	Mr. Kennedy	Mr. Stevenson
Mr. Carver	Mr. Leavenworth	Mr. Stewart
Mr. Clark	Mr. McKinney	Mr. Stryker
Mr. Crispell	Mr. McLean	Mr. Sweet
Mr. Cross	Mr. McNeal	Mr. Terry
Mr. Curtis	Mr. Maine	Mr. A. Tuttle
Mr. Disosway	Mr. Markel	Mr. Van Auken
Mr. Dodge	Mr. Miller	Mr. Van Orden
Mr. Elderkin	Mr. Mowry	Mr. Varnum
Mr. Fiske	Mr. Pease	Mr. Vincent
Mr. Fox	Mr. Perley	Mr. Ward
Mr. Gates	Mr. Picket	Mr. Wells
Mr. A. Gilbert	Mr. Pierce	Mr. Wheaton
Mr. L. M. Gilbert	Mr. Porter	Mr. White
Mr. Glass	Mr. Prescott	Mr. Willard
Mr. Goddard	Mr. Pruyn	Mr. Wilcox
Mr. Goff	Mr. Quackenboss	Mr. Wisewell
Mr. Gove	Mr. Richards	Mr. Woodruff
Mr. Graham	Mr. Roblee	Mr. Young
Mr. Green		

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*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

Mr. B. Thompson offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That Lieutenant Francis S. K. Russell, by his noble and gallant bearing in the service of his country has reflected distinguished honor upon his native State and is entitled

to the thanks of her people, which are hereby tendered him; and that, in token of their appreciation of his worth as a soldier and a man, the Governor be requested to procure a gold medal with appropriate devices, and present the same to Lieutenant Russell in the name of the people of this State, together with a copy of this resolution.

On motion of Mr. B. Thompson,

*Ordered*, That the said resolution be referred to the committee on militia and public defence.

Mr. Markel gave notice that he would ask leave to introduce a bill at some future day, for an act to relieve the heirs at law and security of John L. Bigelow deceased, from liabilities on canal contracts on the Seneca and Cayuga canal.

Mr. Fiske gave notice that he would at an early day ask leave to introduce a bill to compel all railroads running in any part of this state to run to time, and to prevent all delays on said routes.

In pursuance of previous notice Mr. Boughton asked for and obtained leave to bring in a bill entitled "An act to preserve a fair competition between the Albany and Schenectady Railroad Company and the Schenectady and Troy Railroad Company," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on railroads.

In pursuance of previous notice Mr. J. E. Thompson asked for and obtained leave to bring in a bill entitled "An act to authorise the Bainbridge and Deposit Plank Road Company, to erect a bridge across the Susquehannah river at or near the village of Bainbridge," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on roads and bridges.

On motion of Mr. Crispell,

*Resolved*, That the Assembly bill number 232, being an act to amend the laws relating to the equalization of assessments, &c., be referred to the same committee of the whole having in charge the bill to provide for the sale of land for taxes.

On motion of Mr. Elderkin,

*Resolved*, That the bill to amend the charter of the Northern Railroad Company be a special order for Thursday, the 8th of March, at 4 o'clock in the afternoon.

On motion of Mr. Bowen,

*Resolved*, That the bill entitled "An act to amend an act relating to the New-York and Harlem Railroad Company, passed May 7, 1840, and the acts amending the same," be referred to the first committee of the whole which may be in session.

The House then resolved itself into a committee of the whole on the special order of the day, it being the bills entitled as follows:

"An act appropriating the revenues of the Literature and United States Deposit Fund."

"An act to amend an act relating to the New-York and Harlem Railroad Company, passed May 7, 1840, and the acts amending the same."

And after some time spent thereon, and the hour of 2 o'clock having arrived, the Speaker took the chair, and the House took a recess until 4 o'clock.

## FOUR O'CLOCK P. M.

The House again met.

The House then resolved itself into a committee of the whole on the bills entitled as follows, to wit:

"An act appropriating the revenues of the Literature and United States Deposit Fund.

"An act to amend an act relating to the New-York and Harlem Railroad Company, passed May 7, 1840, and the acts amending the same."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Orden from said committee reported progress, and asked leave to sit again.

Mr. Pruyn moved said bill be made a special order for to-morrow at 11 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

By unanimous consent,

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of the counties of Greene, Delaware and Schoharie for a new county from parts of said counties, reported, and asked, and obtained leave to bring in a bill entitled "An act to erect the county of Harrison," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

(See Doc. No. 135.)

By unanimous consent,

Mr. Goddard from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of Steuben and Allegany counties for a new county from parts of said counties, reported, and asked, and obtained leave to bring in a bill entitled "An act to erect the county of Adams," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

(See Doc. No. 136.)

The House then resolved itself into a committee of the whole on the special order of the day, it being the bill entitled as follows:

"An act to declare the public utility of a railroad from the city of

Syracuse to the city of Rochester on the most direct and eligible route."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Cross from said committee, reported progress, and asked for leave to sit again.

Mr. Varnum moved said bill be made the special order for to-morrow afternoon at 4 o'clock.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Varnum, and it was determined in the affirmative.

Leave of absence was granted to Mr. Stewart, Mr. Rockwell and Mr. Moffatt for 8 days each; to Mr. Stevens for 7 days, to Mr. Hammond for 10 days, to Mr. Sweet for 12 days and to Mr. Clark for 9 days.

And then, at 6 o'clock p. m.,

On motion of Mr. Noble,  
The House adjourned.

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### SATURDAY, MARCH 3, 1849.

The House met pursuant to adjournment.

The minutes of yesterday were read and approved.

Mr. Wing presented the memorial of the mayor and commonalty of the city of Albany, for a law to enable them to supply the city with pure and wholesome water, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Sexton presented the remonstrance of the supervisor and other officers of the town of Cobleskill, in the county of Schoharie, against any division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Culbert presented the petition of sundry inhabitants of the county of Fulton, for an act to provide for the improvement of the upper waters of the Hudson river, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bailey presented the petition of sundry inhabitants of the towns of Cairo and Greenville, for a law to reduce the tolls of the Cairo Bridge Company in certain cases, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. Ward Smith presented the petition of sundry inhabitants of the county of Columbia, for a law fixing a legal day's labor at ten hours, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Wisewell and Mr. Culbert presented the petitions of sundry inhabitants of the counties of Yates and Fulton, for a law prohibiting the sale of intoxicating liquors as a beverage, which were read and



referred to the committee on the internal affairs of towns and counties.

Mr. Kidd presented the petition of sundry inhabitants of the town of Greenburgh, in the county of Westchester, for a law to raise money by tax for the repair of roads and bridges in said town, which was read and referred to the committee on roads and bridges.

Mr. J. E. Thompson presented the petition of sundry inhabitants of the counties of Delaware and Chenango, for the passage of a law authorising the Bainbridge and Deposit Plank Road Company to bridge the Susquehanna river, which was read and referred to the committee on roads and bridges.

Mr. Speaker presented the petition of sundry inhabitants of the county of Oneida, for the abolition of the death penalty, which was read and referred to the select committee on that subject.

Mr. Speaker presented the remonstrance of sundry citizens of Rensselaer co., against the abolition of tolls on live stock and fresh provisions carried on railroads, which was read and referred to the committee on canals.

Mr. Campbell from the committee on banks and insurance companies to which was referred so much of the annual message of the Governor and of the annual report of the Comptroller as relates to banks and the subject of banking, reported and asked and obtained leave to introduce a bill, entitled "An act to facilitate the reorganization of incorporated banks under the provisions of the act to authorise the business of banking, passed April 18, 1838, and the acts amendatory thereto," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Disosway moved to print twenty time the usual number of the said report for the use of the Legislature.

*Ordered*, That the said motion be referred to the committee on public printing.

Mr. McLean from the committee on claims to which was referred the petition of Nicholas Hill for relief by the payment of certain canal damages, reported and asked and obtained leave to introduce a bill, entitled "An act authorising the appraisal and payment of canal damages to Nicholas Hill," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Fish, from the select committee, to which was referred the petition of William Logan & Co., for the payment of a sum of money kept back on his contract for the building of a lock on the Champlain canal, reported, and asked and obtained leave to bring in a bill, entitled "An act to provide for the payment of the balance due from the state to William Logan, William Bonou and William Stewart for the construction of the lock at Fort Miller on the Champlain canal," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Taylor from the committee on aliens, to which was referred the petition of Edmond Cheese, to confirm the title in him to certain

real estate in the county of Oneida, reported, and asked and obtained leave to bring in a bill, entitled "An act to vest the title to certain real estate in the counties of Oneida and Herkimer in Edmond Cheese," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Beekman, from the joint library committee, to which was referred the communication from the Governor, transmitting a request from the Governor of Rhode Island for original records in relation to the boundaries of Rhode Island, reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That a copy be made immediately of a volume now in the custody of the Secretary of State, containing the record of the court of commissioners for settling and determining the boundaries of the colony of Massachusetts Bay, held at the town of Providence, in the said colony, Tuesday, the 7th day of April, 1741, and that the same after having been duly compared and certified by the Secretary of State, shall be handsomely bound, and presented by the Governor, in the name of the people of the state of New-York, to the state of Rhode Island.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

*Ordered*, That the Clerk deliver the said resolution to the Senate and request their concurrence in the same.

Mr. Mowry from the committee on railroads to which was referred the petition of sundry citizens of Buffalo, for an act declaring the public utility of a railroad from Lockport to Buffalo on the most direct and eligible route, reported, and asked and obtained leave to bring in a bill, entitled "An act to declare the public use of a railroad from Lockport to Buffalo on the most direct and eligible route," which was read the first time, and by unanimous consent was also read the second time, and committed to the committee of the whole House.

(See Doc. No. 132.)

Mr. Beekman, from the joint library committee, to which was referred the report of the select committee on the disposition of the chancellor's library, reported, and asked and obtained leave to bring in a bill, entitled "An act authorising the trustees of the state library to commit the custody of the chancellor's library to the clerk of the county of Monroe," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

(See Doc. No. 131.)

Mr. Taylor from the committee on aliens, to which was referred the petition of Mary McNulty and Jane Coughlin for a law to enable them to hold and convey real estate, reported, and asked and obtained leave to bring in a bill, entitled "An act to enable Mary McNulty and Jane Coughlin to take, hold and convey certain real estate,"

which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Wing from the committee on medical colleges and societies, to which was referred the petition of sundry inhabitants of Buffalo, for an appropriation for the support of the Buffalo city hospital, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Wing, from the committee on medical colleges and societies, to which was referred the resolution of the board of supervisors of Cattaraugus co., for a law making Thomas Saunderson, now at Utica Asylum, a state charge, reported against the prayer of the petitioners, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Wing, from the committee on medical colleges and societies, to which was referred the bill entitled "An act to amend an act, entitled 'An act to incorporate the members of the New-York Institution for the instruction of the Deaf and Dumb,' passed April 15, 1847," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Pruyn from the committee on colleges, academies and common school, to which was referred the bill entitled "An act to authorise the inhabitants of joint school district number five in the town of Attica, county of Wyoming, and town of Alexander, county of Genesee, to raise money," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

A message from the Governor was received and read, in the words following, to wit:

EXECUTIVE CHAMBER, }  
Albany, March 2, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bill entitled as follows, to wit:

"An act to authorise Benjamin L. James and James L. Shultz to establish and continue a ferry across the Hudson river from Piermont to the opposite shore, in the county of Westchester."

HAMILTON FISH.

A communication from the Secretary of State was received and read in the words following, to wit:

SECRETARY'S OFFICE, }  
Albany, March 3, 1849. }

HON. AMOS K. HADLEY,

*Speaker of the Assembly.*

I have the honor herewith to transmit the statistical information required from the several railroad companies in this State pursuant to a resolution of Assembly, passed Feb. 2, 1843. The statistical information has been put into tabular form, and a copy of the report from each company is herewith transmitted. Reports have been received from all the railroad companies supposed to be in operation in this State.

CHRISTOPHER MORGAN,  
*Sec'y of State.*

(See Doc. No. 182.)

*Ordered*, That the said reports be referred to the committee on railroads.

Mr. Mowry moved that five times the usual number of the said report be printed for the use of the Legislature and 100 copies for the Secretary of State.

*Ordered*, That the said motion be referred to the committee on public printing.

A message from the Senate was received and read, informing that they had passed without amendment the bills therewith delivered, entitled as follows, to wit:

"An act respecting highways in the town of Prattsburgh."

"An act to divide the town of Shandaken and to erect the town of Denning, in the county of Ulster."

"An act further to amend 'An act to incorporate the Buffalo and Hamburg Turnpike Company,' passed January 23, 1830."

"An act to authorise the trustees of school district No. 1, in the town of German Flatts, to borrow money to build a school house."

"An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county Delaware."

"An act authorising the construction of a canal in the city of Brooklyn, for drainage and for other purposes."

"An act to declare the public use of a railroad from Auburn to Binghamton."

*Ordered*, That the Clerk deliver said bills to the Governor.

A message from the Senate was received and read, informing that they do non-concur in the passage of the resolution therewith returned, authorising the State Engineer and Surveyor to prepare a map of the State with the lines of all railroads and canals delineated upon it, for the Senate and Assembly.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills, entitled "An act to amend the charter of the city of Troy and to provide for the establishment of free schools in said city," which was read the first time and by

unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

"An act to change the time of holding the annual election of officers in the village of Prattsburgh, in the county of Steuben, in the year 1849," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to incorporate the American Female Guardian Society," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on charitable and religious societies.

"An act to amend an act, entitled 'An act to incorporate the city of Oswego,' passed March 24, 1848," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the incorporation of cities and villages.

"An act to amend the act providing for the incorporation of the Canadaigua and Corning Railroad company," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on railroads.

The engrossed bill, entitled "An act to authorise the appraisal and payment of canal damages to Mary Murray and others," was read a third time.

Mr. B. Thompson moved that said bill be recommitted to a committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. B. Thompson, and it was determined in the negative.

The said bill was then again read.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 72 }  
{ NAYS 05 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Prayn
Mr. H. J. Allen	Mr. Goff	Mr. Richards
Mr. Bagley	Mr. Gove	Mr. Roblee
Mr. Bailey	Mr. Graham	Mr. A. Robertson
Mr. Barber	Mr. Hale	Mr. W. H. Robertson
Mr. Bellinger	Mr. Hall	Mr. Rose
Mr. Boardman	Mr. Harmon	Mr. Sexton
Mr. Bowen	Mr. Hart	Mr. Slocum
Mr. Boyce	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. M. Johnson	Mr. Speaker
Mr. Brewer	Mr. Kelsey	Mr. Stryker
Mr. Campbell	Mr. Kennedy	Mr. Taylor

Mr. Carver	Mr. Leavenworth	Mr. Terry
Mr. Cornell	Mr. McKinney	Mr. Van Auken
Mr. Crispell	Mr. McLean	Mr. Van Orden
Mr. Culbert	Mr. McNeal	Mr. Vincent
Mr. Disosway	Mr. Maine	Mr. Wheaton
Mr. Dodge	Mr. Marsh	Mr. White
Mr. Elderkin	Mr. Mersereau	Mr. Whittaker
Mr. Fish	Mr. Pardee	Mr. Wilcox
Mr. Fox	Mr. Pease	Mr. Wing
Mr. Gates	Mr. Picket	Mr. Wisewell
Mr. A. Gilbert	Mr. Porter	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Prescott	Mr. Young

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Those who voted in the negative are,

Mr. Budd	Mr. W. S. Smith	Mr. Ward
Mr. St. John	Mr. B. Thompson	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

Mr. Rose offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That the Commissary General be and hereby is directed to call in and collect all the field pieces, arms and munitions of war belonging to the state, in any gun-house, or in the possession of any individual or military company, other than the uniformed companies organized pursuant to the provisions of the existing militia laws, and that he deposite the same in the state arsenals.

On motion of Mr. Rose,

*Ordered*, That the said resolution be referred to the committee on the militia and public defence.

On motion of Mr. McLean,

*Resolved*, That the petition of Simon Mathison and others, praying for relief, be taken from the committee on claims and referred to the Canal Appraisers.

On motion of Mr. Prescott,

*Resolved*, That the act to extend the time for calling in the capital stock of the Utica steam cotton mills, be referred to a select committee consisting of the delegation in this House from the county of Oneida, to report complete.

On motion of Mr. J. E. Thompson,

*Resolved*, That the subject before this House for the revival of "An act for the construction of a road from Cannonsville to Shehocking, in Delaware county, passed April 19, 1828," together with the petitions and papers relating thereto, be taken from the files of this House and referred to the standing committee on roads and bridges.

Mr. Cornell offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Comptroller be requested to inform this House, if the information can be given at this session, and if not then to inform the next Legislature, what amount has been received for errone-

ous payments of taxes, and which has not been returned to the parties who made such payments, and to specify in his report the time every such erroneous payment, not returned, was made, by whom it was made, and what tax it was intended to discharge.

*Ordered*, That the said resolution be laid upon the table.

Mr. Fiske offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the bill entitled "An act to provide against infectious and pestilential diseases and to provide for the place of quarantine," be made the special order for Monday, March 13th, at four o'clock, p. m.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. Rose offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the bill entitled "An act to provide against infectious and pestilential diseases and to provide for the place of quarantine," be made the special order for Monday evening, March 13th, at seven o'clock.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

On motion of Mr. Crispell,

*Resolved*, That the bill entitled "An act to legalize the proceedings of the trustees and electors of the village of Ulster, in the county of Ulster," be referred to the delegation from the county of Ulster to report complete.

In pursuance of previous notice Mr. Carver asked for and obtained leave to bring in a bill entitled "An act to discontinue the Sing Sing prison and to convert the buildings used therefor into an institution for the support and education of the deaf and dumb," which was read the first time, and by unanimous consent was read a second time.

Mr. Carver moved that said bill be referred to the committee on banks and insurance companies.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Carver, and it was determined in the negative.

Pending the question of reference,

The House then resolved itself into a committee of the whole on the bills, entitled as follows, to wit:

**An act appropriating the revenues of the literature and United States deposit fund.**

*The People of the State of New-York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There shall be paid from the treasury on the warrant of the Comptroller, out of the revenues derived from the literature fund to the several academies and schools under the supervision of the Regents of the University, the sum of thirty-six thousand dollars

and the further sum of four thousand dollars from the income of the United States Deposit Fund, being in all forty thousand dollars, in the year one thousand eight hundred and fifty-one, according to an apportionment to be made by the Regents among the said academics and schools, in proportion to the number of pupils in each, who shall have pursued the requisite studies to entitle them to share in said distribution.

§ 2. There shall likewise be paid from the treasury on the warrant of the Comptroller, for the years one thousand eight hundred and forty-nine and one thousand eight hundred and fifty from the income of the United States Deposit Fund :

To the College of Physicians and Surgeons in the city of New-York, one thousand dollars each year.

To the Albany Medical College, one thousand dollars each year.

To the medical faculty of the University of New-York, one thousand dollars each year.

To the medical institution of Geneva college, one thousand dollars each year.

To the medical institution of the Buffalo University, one thousand dollars each year.

§ 3. There shall in like manner be paid from the income of the said fund, for two years from the first day of August, one thousand eight hundred and forty-nine, to the first day of August, one thousand eight hundred and fifty one :

To the University of the city of New-York, two thousand five hundred dollars each year.

To Geneva College, two thousand five hundred dollars each year.

To St. John's College at Fordham, two thousand five hundred dollars each year.

To Madison University, two thousand five hundred dollars each year.

To Hamilton College, two thousand five hundred dollars each year.

For the subscription to the District School Journal for the year one thousand eight hundred and forty-nine, two thousand four hundred dollars, pursuant to the provisions of the act, chapter one hundred and thirty-three of the laws of 1843.

§ 4. There shall be paid, in the manner provided by the act, chapter three hundred and eleven of the laws of 1844, out of the income of the United States Deposit Fund, the sum of ten thousand dollars, for the support and maintenance of the State Normal School, in each of the years 1850 and 1851 ; and also, the sum of five hundred dollars in each of said years, for the purchase of books, scientific apparatus and furniture, and for repairs to building.

§ 5. The sum of three thousand and seven hundred dollars for each of the years 1849 and 1850, shall be paid by the Treasurer, on the warrant of the Comptroller, out of the income of the Literature Fund, to the Regents of the University, to be assigned by them to such academies and seminaries of learning subject to their visitation, for the purchase of text books, maps and globes, or philosophical or



chemical apparatus, as may apply for a part of money for that purpose, on the terms prescribed in the second section of chapter 140 of the laws of 1834.

§ 6. The Treasurer shall pay, on the warrant of the Comptroller;

1. To the Delaware academy, for each of the years 1849 and 1850, the sum of two hundred and eighty-nine dollars and fifty cents, being the interest, at six per centum, on four thousand, eight hundred and twenty-five dollars of State stock held by the Comptroller in trust for said academy, being part of an appropriation for said academy, by chapter 170 of the laws of 1819.

2. To the Dutchess county academy, out of the income of the United States Deposit Fund, four thousand dollars.

§ 7. The Treasurer shall pay, on the warrant of the Comptroller, out of the income of the United States Deposit Fund, for the years 1849 and 1850,

1. To the financial agents of the several incorporated orphan asylums their proportion of the sum of five thousand dollars, in each of said years, to be distributed in the manner, and subject to the conditions, regulations and restrictions prescribed by chapter 485 of the laws of 1847.

2. For the support of schools among the Indians, pursuant to chapter 114 of the laws of 1846, viz:

On the Ondaga reservation, two hundred and fifty dollars each year.

On the Cattaraugus reservation, three hundred and fifty dollars each year.

On the Allegany reservation, three hundred dollars each year.

On the St. Regis reservation, three hundred dollars each year.

On the Oneida reservation, two hundred dollars each year.

"An act to amend an act relating to the New-York and Harlem Railroad Company, passed May 7, 1840, and the acts amending the same."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Cornell from said committee, reported that the committee had gone through the said last mentioned bill, and agreed to the same without amendment, which report was agreed to

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Cornell from the same committee, reported the said first mentioned bill to the House, amended so as to read as follows:

### **An act appropriating the revenue of the Literature and United States Deposit Fund.**

*The People of the State of New-York represented in Senate and Assembly, do enact as follows:*

§ 1. There shall be paid from the treasury on the warrant of the Comptroller, out of the revenues derived from the Literature Fund to the several academies and schools under the supervision of the Regents of the University, the sum of thirty-six thousand dollars, and the further sum of four thousand dollars from the income of the

United States Deposit Fund, being in all forty thousand dollars, in the year one thousand eight hundred and fifty-one, according to an apportionment to be made by the Regents among the said academies and schools, in proportion to the number of pupils in each, who have pursued the requisite studies to entitle them to share in said distribution.

§ 2. There shall likewise be paid from the treasury on the warrant of the Comptroller, for the years one thousand eight hundred and forty-nine and one thousand eight hundred and fifty, from the income of the United States Deposit Fund:

To the College of Physicians and Surgeons in the city of New-York, one thousand dollars each year.

To the Albany Medical College, one thousand dollars each year.

To the Medical Faculty of the University of New-York, one thousand dollars each year.

To the Medical Institution of Geneva College, one thousand dollars each year.

To the Medical Institution of the Buffalo University one thousand dollars each year.

§ 3. There shall in like manner be paid from the income of said fund, for two years from the first day of August, one thousand eight hundred and forty-nine, to the first day of August one thousand eight hundred and fifty-one:

To the University of the city of New-York, two thousand five hundred dollars each year.

To Geneva College, two thousand five hundred dollars each year.

To St. John's College at Fordham, two thousand five hundred dollars each year.

To Madison University, two thousand five hundred dollars each year.

To Hamilton College, two thousand five hundred dollars each year.

For the subscription to the District School Journal for the year one thousand eight hundred and forty-nine, two thousand four hundred dollars, pursuant to the provisions of the act chapter one hundred and thirty-three, of the laws of 1843.

§ 4. There shall be paid in the manner provided by the act, chapter three hundred and eleven of the laws of 1844, out of the income of the United States Deposit Fund, the sum of ten thousand dollars, for the support and maintenance of the State Normal School, in each of the years 1850 and 1851; and also the sum of five hundred dollars in each of said years, for the purchase of books, scientific apparatus and furniture, and for repairs to building.

§ 5. There shall be paid by the treasurer on the warrant of the Comptroller, out of the income of the Literature Fund; first to the regents of the University, \$1,500 for the year 1849, and \$3,000 for the year 1850, to be assigned by them to such academies and seminaries of learning subject to their visitation, for the purchase of text books, maps, and globes, or philosophical or chemical apparatus, as may apply for a part of money for that purpose, on the terms pre-

scribed in the second section of chapter one hundred and forty of the laws of 1834; secondly to the Regents of the University to be applied to defray the expenses of establishing observatories, and to supply them with thermometers, barometers, rain gauges and other instruments, and to pay a proper compensation to observers, \$1,500 for each of the years 1849 and 1850.

§ 6. The treasurer shall pay on the warrant of the Comptroller:

1. To the Delaware Academy, for each of the years 1849 and 1850, the sum of two hundred and eighty-nine dollars and fifty cents, being the interest, at six per centum, on four thousand eight hundred and twenty-five dollars of state stock held by the Comptroller, in trust for said academy, being part of an appropriation for said academy, by chapter one hundred and seventy of the laws of 1819.

2. To the Dutchess County Academy, out of the income of the United States Deposit Fund, four thousand dollars.

§ 7. The treasurer shall pay on the warrant of the Comptroller, out of the income of the United States Deposit Fund, for the years 1849 and 1850,

1. To the financial agents of the several incorporated orphan asylums their proportion of the sum of five thousand dollars, in each of said years, to be distributed in the manner, and subject to the conditions, regulations and restrictions prescribed by chapter four hundred and eighty-five of the laws of 1847.

2. For the support of schools among the Indians, pursuant to chapter one hundred and fourteen of the laws of 1846, viz:

On the Onondaga reservation, two hundred and fifty dollars each year.

On the Cattaraugus reservation, three hundred and fifty dollars each year.

On the Allegany reservation, three hundred dollars each year.

On the St. Regis reservation, three hundred dollars each year.

On the Oneida reservation, two hundred dollars each year.

§ 8. The sum of twenty-five thousand dollars of the income of the United States Deposit Fund, set apart by the constitution, together with the residue thereof not hereby otherwise appropriated, shall be annually added to the capital of the Common School Fund, and the Comptroller is hereby authorised and required to invest such surplus monies in like manner as he is now authorised to invest moneys of the Common School Fund.

Mr. W. S. Smith moved to amend the report of the committee of the whole by striking out of the third section the following words:

To the University of the city of New-York, two thousand five hundred dollars each year.

To Geneva College, two thousand five hundred dollars each year.

To St. John's College at Fordham, two thousand five hundred dollars each year.

To Madison University, two thousand five hundred dollars each year.

To Hamilton College, two thousand five hundred dollars each year.

Debate was had thereon, when

Mr. Cornell moved that the report of the committee of the whole be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

On motion of Mr. White,

*Resolved*, That the special order "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route" be postponed until Tuesday next, March 6, at 4 o'clock.

And then at 2 o'clock, p. m.,

On motion of Mr. Pruyn,  
The House adjourned.

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## MONDAY, MARCH 5, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

The minutes of Saturday were read and approved.

The Speaker announced as the select committee of nine, to examine and report such bills as in their opinion ought to be referred to select committees to report complete, Mr. W. S. Smith, Mr. Brewer, Mr. Rose, Mr. L. Butts, Mr. Picket, Mr. Glass, Mr. Skeele, Mr. Brinkerhoff and Mr. Raynor.

Mr. Pruyn presented the petition of sundry inhabitants of the city of Albany, for a law authorising the authorities of that city to fix the site for a steamboat landing in said city, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Fox presented the petition of sundry citizens of the county of Otsego, to amend an act entitled an act regulating fishing in the waters of the Salmon river, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. A. Johnson presented the remonstrance of sundry citizens of Bainbridge, in the county of Chenango, against the erection of the new county of Patterson, which was read and referred to the committee on the erection and division of towns and counties.

Mr. A. Johnson presented the petition of sundry citizens of Plainfield and Brookfield, for a law to restrain the drawing of nets in a portion of the Unadilla river, which was read and referred to a select committee consisting of the Otsego and Delaware delegations.

Mr. Crittenden presented the petition of Thomas Cook, an alien, for a law to enable him to hold and convey real estate, which was read and referred to the committee on the petitions of aliens.

Mr. Boardman presented the remonstrance of sundry inhabitants of Allegany county, against any division of said county or removal

of the county buildings from Angelica, which was read and referred to the committee on the erection and division of towns and counties.

Mr. W. S. Smith presented the petition of sundry inhabitants of the town of Newtown, in the county of Queens, for a division of that town and the erection of a new town to be called Astoria, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Glass presented the petition of sundry citizens of the county of Onondaga, for a law to prohibit the sale of intoxicating liquors as a beverage, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. W. S. Smith presented the petition of sundry inhabitants of the county of Queens, for a law authorising Edward Mitchell to build a dock in the town of North Hempstead in said county, which was read and referred to the committee on commerce and navigation.

Mr. Hale presented two several petitions of sundry inhabitants of the towns of Alfred and Howard, in the county of Steuben, for a new county from parts of the counties of Steuben and Allegany, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Beekman presented the memorial of sundry citizens of the city of New-York, in favor of a reform in the alms house and prison department in that county, which was read and referred to a select committee consisting of the New-York delegation.

Mr. Markel presented the remonstrance of sundry inhabitants of the county of Cayuga, against abolishing tolls on fresh provisions and live stock conveyed on railroads, which was read and referred to the committee on canals.

Mr. Mersereau presented the remonstrance of sundry inhabitants of the county of Steuben, against any division of said county, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Pardee presented the petition of sundry inhabitants of the county of Erie, for an act declaring the public utility of a railroad from Batavia to Buffalo direct, which was read and referred to the committee on railroads.

Mr. Whittaker presented two several petitions of sundry inhabitants of the county of Delaware, for the erection of the county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Rounseville presented the petition of sundry inhabitants of the town of Covert, in the county of Seneca, for the annexation of that town to the county of Tompkins, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Mersereau presented two several petitions of sundry inhabitants of the county of Steuben, for the establishment of free schools throughout the state, which were read and referred to the committee on colleges, academies and common schools.

Mr. Markel presented the petition of Luke P. Babcock, Charles Elliott and other citizens of the county of Seneca, for the appraisal

and payment of damages sustained by them in consequence of the improvement of the Cayuga and Seneca canal, which was read and referred to the committee on claims.

Mr. J. E. Thompson presented the petition of sundry citizens of Delhi, in the county of Delaware, for an amendment of the present military law, so as to provide a reasonable compensation for the services of horses in such companies of cavalry as may be organized under the militia law of the state, which was read and referred to the committee on militia and public defence.

Mr. Skeel and Mr. Wisewell presented two several petitions of sundry citizens of this state, for the establishment of an agricultural professorship in the Central College in the county of Cortland, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Fitzhugh presented the remonstrance of sundry citizens of the county of Oswego, against levying a tax to construct a bridge at Oswego falls, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mowry presented the petition of sundry citizens of Washington co., for a law declaring the public utility of a railroad from Troy to Rutland, in Vermont, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bailey presented three several remonstrances of sundry citizens of the county of Greene, against the erection of the new county of Harrison, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Maine presented the petition of sundry inhabitants of the county of Madison, for a law exempting the homestead from sale by execution, and limiting the quantity of land hereafter to be acquired by any one individual, which was read and referred to the select committee on that subject.

Mr. Cross presented the petition of the superintendents of the poor of the county of Kings, for a law requiring the board of supervisors of that county to fix the salaries of said superintendents, which was read and referred to a select committee consisting of the Kings county delegation.

Mr. W. S. Smith presented the petition of sundry citizens of the county of Queens, for certain relief against the South Oysterbay Turnpike Company, which was read and referred to the committee on roads and bridges.

Mr. Slocum presented the remonstrance of sundry stockholders and directors of the Syracuse and Tully Plank Road, and other citizens of Syracuse, against any alteration of the southern termination of said road, which was read and referred to the committee on roads and bridges.

Mr. J. E. Thompson presented the petition of sundry inhabitants of the towns of Hancock and Tompkins, in the county of Delaware, for the revival of the act passed in 1828 for the construction of a road from Cannonsville to Shehocking, which was read and referred to the committee on roads and bridges.

Mr. Skeel presented the memorial of the trustees of the Cortland Academy, asking for an appropriation to establish an agricultural professorship therein, which was read and referred to the committee on agriculture.

Mr. Graham presented the remonstrance of sundry inhabitants of Ulster county for a law to prohibit the use of drift nets in the Hudson river, which was read and referred to the select committee on that subject.

Mr. Mersereau presented the petition of sundry inhabitants of the county of Steuben, for a law taxing debts due to non-resident aliens by citizens of this State, which was read and referred to the committee on the judiciary.

Mr. Markel presented the petition of Mary T. Bigelow, administratrix, A. R. Wheeler and Elisha J. Davis, administrators of the estate of John L. Bigelow, deceased, for relief from a certain canal contract, which was read and referred to a select committee on that subject.

*Ordered*, That Mr. Markel, Mr. W. S. Smith, Mr. Cross, Mr. Hall and Mr. Fitzhugh be such select committee.

Mr. Markel presented two several petitions of sundry inhabitants of the village of Ovid, in the county of Seneca, for the repeal of their village charter, which were read and referred to the committee on the incorporation of cities and villages.

Mr. Carver presented five petitions of sundry citizens of this State for the continuance of the Clinton State prison, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. Ward Smith from the committee on grievances, to which was referred the petition of Peter McEntee, for compensation as informer of the escheated lands of John Gunton, reported, and asked and obtained leave to bring in a bill, entitled "An act to compensate Peter McEntee for giving information of an escheat," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Mowry from the committee on railroads to which was referred the engrossed bill from the Senate, entitled "An act to amend the act providing for the incorporation of the Canandaigua and Corning railroad company," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the engrossed bill from the Senate, entitled "An act to change the time of holding the election of officers in the village of Prattsburgh in the county of Steuben in the year 1849," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

On motion of Mr. Quackenboss,

*Ordered*, That said bill be read a third time.

Mr. Bowen from the committee on trade and manufactures to which was referred the petition of inhabitants of New-York and Kings co. for the incorporation of a building and accumulating fund association, reported and asked and obtained leave to introduce a bill, entitled "An act for the incorporation of building and accumulating fund associations," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bagley from the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act to vest in boards of supervisors certain legislative powers," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Mowry from the committee on railroads to which was referred the petition of inhabitants of Saratoga, Washington and Warren counties for a railroad from Plattsburgh to Whitehall, reported and asked and obtained leave to introduce a bill, entitled "An act to declare the public utility of a Railroad from Whitehall to Plattsburgh, on the west side of Lake Champlain," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Ward from the committee on claims to which was referred the petition of Calvin P. Richardson and others, asking for damage on a canal contract, reported and asked and obtained leave to introduce a bill, entitled "An act to authorise the appraisal and payment of canal damages to Calvin P. Richardson," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

*(See Doc. No. 134.)*

Mr. Fiske from the committee on commerce and navigation, to which was referred the petition of Edward Mitchell and others of Queens co., for a law to build a dock in the town of Hempstead, reported and asked and obtained leave to introduce a bill, entitled "An act to authorise Edward Mitchell to build a dock in the town of North Hempstead, in the county of Queens," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Culbert from the committee on roads and bridges, to which was referred the bill, entitled "An act to authorise the Bainbridge and Deposit Plank Road Company to erect a bridge across the Susquehannah river at or near the village of Bainbridge," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

On motion of Mr. J. E. Thompson,

*Ordered,* That the said bill be referred to a select committee to report complete.



*Ordered*, That Mr. J. E. Thompson, Mr. Culbert, Mr. Fish, Mr. A. Johnson and Mr. Noble be said select committee.

Mr. Button from the committee on colleges, academies and common schools to which was referred the petition of inhabitants of the city of Auburn for an amendment of the charter of said city in relation to schools, so as to restore the old organization of school districts, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of Richard D. Rhoades for the payment of damages sustained by reason of the sinking of a canal boat, reported against the prayer of the petitioner and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

(See Doc. No. 175.)

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fitzhugh from the committee on canals, to which was referred the petition of Thomas P. Waters for payment of losses sustained by the destruction of a canal boat, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

(See Doc. No. 169.)

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fitzhugh from the committee on canals to which was referred the petition of the commissioners of highways of the town of Boonville, Oneida co., for the appraisal and payment of damages done to roads of said town by a break in the Black river canal, reported against the prayer of the petitioners and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Pruyn from the committee on colleges, academies and common schools to which was referred the report of the superintendent of common schools, reported and asked and obtained leave to introduce a bill, entitled "An act to amend the act entitled 'An act relative to the office of town superintendent of common schools and amendatory of the Revised Statutes, entitled 'of public instruction'',"

which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the bill, entitled "An act to divide the town of Brookhaven and to erect the town of Fillmore," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Crispell, from the select committee, to which was referred the bill entitled "An act to legalize the proceedings of the trustees and electors of the village of Ulster, in the county of Ulster," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bowen, from the select committee, to which was referred the engrossed bill from the Senate entitled "An act relative to the state arsenal in the city of New-York," reported that the committee had gone through said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

(See Doc. No. 137.)

Mr. Prescott from the select committee to which was referred the bill entitled "An act to extend the time for calling in the capital stock of the Utica steam cotton mills," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of Greenburgh for the passage of a law to enable them to raise money by tax to repair roads and bridges, reported, and asked, and obtained leave to bring in a bill entitled "An act relating to highways in the town of Greenburgh, in the county of Westchester," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. McLean from the select committee to which was referred the bill entitled "An act to amend an act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bill entitled as follows, to wit:

"An act to amend an act relating to the New-York and Harlem

Railroad Company, passed May 7, 1840, and the acts amending the same;"

And found the same correctly engrossed.

*Ordered*, That said bill be read a third time.

Mr. Van Orden from the committee on public printing, to which was referred the motion to print ten times the usual number of the list of members and officers of the Assembly, with the accompanying statistics, reported, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That ten times the usual number be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

A communication from the Secretary of State was received and read in the words following, to wit:

SECRETARY'S OFFICE, }  
Albany, March 3, 1849. }

Hon. AMOS K. HADLEY,

*Speaker of the Assembly.*

SIR:—I transmit herewith a report upon weights and measures, prepared at my request by William H. Clark, Esq., of the Normal School.

Very respectfully,

Your obedient servant,

CHRISTOPHER MORGAN,

*Sec'y of State.*

The Senate returned the resolution of this House in relation to copying and presenting to the state of Rhode Island, a copy of the record in relation to the boundary of Massachusetts in the year 1741, with a message informing that they have concurred in the passage of the said resolution.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to incorporate the Buffalo water works company."

The said amendments were read, when

Mr. B. Thompson moved that the House concur in said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. B. Thompson, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 82 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Bailey

Mr. Graham  
Mr. Green  
Mr. Guernsey

Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rose

Mr. Barber	Mr. Hale	Mr. Rounseville
Mr. Boardman	Mr. Hall	Mr. St. John
Mr. Boughton	Mr. Harmon	Mr. Sexton
Mr. Bowen	Mr. Hart	Mr. Skeel
Mr. Boyce	Mr. A. Johnson	Mr. Slocum
Mr. Brinkerhoff	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Brewer	Mr. Kelsey	Mr. W. S. Smith
Mr. W. Butts	Mr. Kennedy	Mr. Speaker
Mr. Campbell	Mr. Kidd	Mr. Taylor
Mr. Carver	Mr. Leavenworth	Mr. Terry
Mr. Cornell	Mr. McKinney	Mr. B. Thompson
Mr. Crispell	Mr. McLean	Mr. H. C. Tuthill
Mr. Crittenden	Mr. McNeal	Mr. Van Auken
Mr. Cross	Mr. Maine	Mr. Van Orden
Mr. Culbert	Mr. Miller	Mr. Varnum
Mr. Disosway	Mr. Mowry	Mr. Vincent
Mr. Dodge	Mr. Pardee	Mr. Ward
Mr. Elderkin	Mr. Picket	Mr. White
Mr. Fiske	Mr. Prescott	Mr. Whittaker
Mr. Fitzhugh	Mr. Pruyn	Mr. Willard
Mr. Gates	Mr. Quackenboss	Mr. Wilcox
Mr. A. Gilbert	Mr. Raynor	Mr. Wisewell
Mr. Glass	Mr. Richards	Mr. Woodruff
Mr. Goddard	Mr. Roblee	Mr. Young
Mr. Gove		

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

The engrossed bill, entitled "An act to extend the time for calling in the stock of the Utica steam cotton mills," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. A. Robertson
Mr. Averill	Mr. Gove	Mr. W. H. Robertson
Mr. Bagley	Mr. Graham	Mr. Rose
Mr. Bailey	Mr. Green	Mr. Rounseville
Mr. Barber	Mr. Hale	Mr. St. John
Mr. Beekman	Mr. Hall	Mr. Sexton
Mr. Boardman	Mr. Harmon	Mr. Skeel
Mr. Boughton	Mr. Hart	Mr. L. Ward Smith
Mr. Bowen	Mr. Hoyt	Mr. W. S. Smith
Mr. Boyce	Mr. A. Johnson	Mr. Speaker
Mr. Brinkerhoff	Mr. M. Johnson	Mr. Stryker

Mr. Brewer	Mr. Kelsey	Mr. Terry
Mr. Bull	Mr. Kidd	Mr. B. Thompson
Mr. Button	Mr. Leavenworth	Mr. J. E. Thompson
Mr. W. Butts	Mr. McKinney	Mr. H. C. Tuthill
Mr. Carver	Mr. McLean	Mr. Van Auker
Mr. Crispell	Mr. Maine	Mr. Van Orden
Mr. Crittenden	Mr. Markel	Mr. Varnum
Mr. Cross	Mr. Miller	Mr. Vincent
Mr. Culbert	Mr. Mowry	Mr. Ward
Mr. Disosway	Mr. Pease	Mr. Wells
Mr. Dodge	Mr. Picket	Mr. Wheaton
Mr. Elderkin	Mr. Pierce	Mr. White
Mr. Fitzhugh	Mr. Prescott	Mr. Whittaker
Mr. Fox	Mr. Pruyn	Mr. Willard
Mr. Gates	Mr. Quackenbosc	Mr. Wilcox
Mr. A. Gilbert	Mr. Raynor	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Richards	Mr. Woodruff
Mr. Glass	Mr. Roblee	Mr. Young

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate, entitled "An act to change the time of holding the annual election of officers in the village of Prattsburgh, in the county of Steuben, in the year 1849," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. A. Robertson
Mr. Averill	Mr. Gove	Mr. W. H. Robertson
Mr. Bagley	Mr. Graham	Mr. Rose
Mr. Bailey	Mr. Green	Mr. Rounseville
Mr. Barber	Mr. Hale	Mr. St. John
Mr. Beekman	Mr. Hall	Mr. Sexton
Mr. Boardman	Mr. Harmon	Mr. Skeel
Mr. Boughton	Mr. Hart	Mr. Slocum
Mr. Bowen	Mr. Hoyt	Mr. L. Ward Smith
Mr. Boyce	Mr. A. Johnson	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. M. Johnson	Mr. Speaker
Mr. Brewer	Mr. Kelsey	Mr. Stryker
Mr. Budd	Mr. Kidd	Mr. Terry
Mr. Button	Mr. Leavenworth	Mr. B. Thompson
Mr. W. Butts	Mr. McKinney	Mr. J. E. Thompson
Mr. Campbell	Mr. Maine	Mr. H. C. Tuthill
Mr. Carver	Mr. Markel	Mr. Van Auker

Mr. Crispell	Mr. Miller	Mr. Van Orden
Mr. Cross	Mr. Mowry	Mr. Varnum
Mr. Culbert	Mr. Pardee	Mr. Vincent
Mr. Disosway	Mr. Pease	Mr. Ward
Mr. Dodge	Mr. Picket	Mr. Wheaton
Mr. Elderkin	Mr. Pierce	Mr. White
Mr. Fiske	Mr. Prescott	Mr. Whittaker
Mr. Fitzhugh	Mr. Pruyn	Mr. Willard
Mr. Gates	Mr. Quackenboss	Mr. Wilcox
Mr. A. Gilbert	Mr. Raynor	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Richards	Mr. Woodruff
Mr. Glass	Mr. Roblee	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill, entitled "An act to amend an act relating to the New-York and Harlem Railroad Company, passed May 7, 1840, and the acts amending the same," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Richards
Mr. Bagley	Mr. Goddard	Mr. Roblee
Mr. Bailey	Mr. Gove	Mr. A. Robertson
Mr. Barber	Mr. Graham	Mr. W. H. Robertson
Mr. Beekman	Mr. Hale	Mr. Rounseville
Mr. Boardman	Mr. Hall	Mr. St. John
Mr. Boughton	Mr. Harmon	Mr. Sexton
Mr. Bowen	Mr. Hart	Mr. Slocum
Mr. Boyce	Mr. Hoyt	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. W. S. Smith
Mr. Brewer	Mr. M. Johnson	Mr. Speaker
Mr. Bull	Mr. Kelsey	Mr. Stryker
Mr. Button	Mr. Kennedy	Mr. Terry
Mr. W. Butts	Mr. Kidd	Mt. J. E. Thompson
Mr. Campbell	Mr. Leavenworth	Mr. Van Auker
Mr. Carver	Mr. Maine	Mr. Van Orden
Mr. Crispell	Mr. Markel	Mr. Varnum
Mr. Cross	Mr. Marsh	Mr. Vincent
Mr. Culbert	Mr. Miller	Mr. Ward
Mr. Disosway	Mr. Mowry	Mr. Wheaton
Mr. Dodge	Mr. Pardee	Mr. White
Mr. Elderkin	Mr. Pease	Mr. Whittaker
Mr. Fiske	Mr. Picket	Mr. Willard

Mr. Fitzhugh	Mr. Pierce	Mr. Wilcox	
Mr. Fox	Mr. Prescott	Mr. Wisewell	
Mr. Gates	Mr. Quackenboss	Mr. Woodruff	
Mr. A. Gilbert	Mr. Raynor	Mr. Young	81

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to legalize the proceedings of the trustees and electors of the village of Ulster, in the county of Ulster," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Rose
Mr. H. J. Allen	Mr. Gove	Mr. Rounseville
Mr. Averill	Mr. Graham	Mr. St. John
Mr. Bagley	Mr. Green	Mr. Sexton
Mr. Bailey	Mr. Hale	Mr. Skeel
Mr. Barber	Mr. Hall	Mr. Slocum
Mr. Beekman	Mr. Harmon	Mr. L. Ward Smith
Mr. Boardman	Mr. Hart	Mr. W. S. Smith
Mr. Boughton	Mr. Hoyt	Mr. Speaker
Mr. Bowen	Mr. A. Johnson	Mr. Stryker
Mr. Boyce	Mr. M. Johnson	Mr. Taylor
Mr. Brinkerhoff	Mr. Kelsey	Mr. Terry
Mr. Brewer	Mr. Kidd	Mr. B. Thompson
Mr. Bull	Mr. Leavenworth	Mr. J. E. Thompson
Mr. Button	Mr. McKinney	Mr. H. C. Tuthill
Mr. W. Butts	Mr. Maine	Mr. Van Auken
Mr. Campbell	Mr. Markel	Mr. Van Orden
Mr. Carver	Mr. Miller	Mr. Varnum
Mr. Crispell	Mr. Mowry	Mr. Vincent
Mr. Crittenden	Mr. Pease	Mr. Ward
Mr. Cross	Mr. Picket	Mr. Wells
Mr. Culbert	Mr. Prescott	Mr. Wheaton
Mr. Disosway	Mr. Pruyn	Mr. White
Mr. Dodge	Mr. Quackenboss	Mr. Whittaker
Mr. Elderkin	Mr. Raynor	Mr. Willard
Mr. Fiske	Mr. Richards	Mr. Wilcox
Mr. Gates	Mr. Roblee	Mr. Wisewell
Mr. A. Gilbert	Mr. A. Robertson	Mr. Woodruff
Mr. L. M. Gilbert	Mr. W. H. Robertson	Mr. Young
Mr. Glass		

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

On motion of Mr. J. E. Thompson,

*Resolved*, That the petitions and papers on the files of this House relating to the formation of a new county out of parts of Delaware, Broome, Chenango and Otsego, with the county seat at Tompkins, be taken therefrom and referred to the standing committee on the erection and division of towns and counties.

Mr. Carver gave notice that he would at an early day introduce a bill declaring the public utility of a railroad from the Northern railroad to the Canada line.

Mr. Pease gave notice that he would at an early day ask leave to introduce a bill to renew and amend an act, entitled "An act to incorporate the Turin academy," passed April 30, 1849.

Mr. Van Orden offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the committee on colleges, academies and common schools be instructed to inquire into the affairs of the New-York University of the city of New-York, and report the same to this House; and, that the said committee have power to send for persons and papers, but nothing in this resolution shall be construed to give permission to said committee to visit New-York for the purpose of making such inquiry.

*Ordered*, That the said resolution be laid upon the table.

On motion of Mr. Markel,

*Resolved*, That the petition, maps and other papers, having reference to the enlargement or extension of the charter of the village of Waterloo, now on file in this House, be taken therefrom and referred to the committee on the incorporation of cities and villages.

Mr. Fitzhugh gave notice that he would at an early day ask leave to introduce a bill authorising the erection, by the United States, of a marine hospital on the old fort ground at Oswego.

Mr. A. Johnson gave notice that he would at an early day ask leave to introduce a bill to prevent the drawing of nets and seines in certain portions of the Unadilla river.

Mr. Mowry offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, (if the Senate concur) That William Seaton Henry, captain and brevet major of the 3d infantry of the United States army, by his noble and gallant bearing in the service of his country, has reflected distinguished honor upon his native state, and is entitled to the thanks of her people, which are hereby tendered him, and that in token of their appreciation of his worth as a soldier and a man, the Governor be requested to procure a gold medal with appropriate devices, and to present the same to William Seaton Henry, captain and brevet major of the 3d infantry, in the name of the people of this state, together with a copy of this resolution.

On motion of Mr. Mowry,

*Ordered*, That the said resolution be referred to the committee on the militia and public defence.



Mr. Fox gave notice of his intention to introduce a bill to amend the law regulating the fishery in the waters of Salmon river, Oswego county.

Mr. Rounsaville gave notice of the introduction of a bill to consolidate the general loan of 1786, 1792, 1806, and the United States Deposit Loan of 1837, to be under the control of one commissioner who shall be elected by the people.

On motion of Mr. W. S. Smith,

*Resolved*, That ten times the usual number of copies of the annual report of the Commissioners of the Canal Fund of the tolls, trade and tonnage of the canals, be printed for the use of the Legislature.

Leave of absence was granted to Mr. Elwood for 8 days, to Mr. Bogart and Mr. Pierce for six days each, to Mr. Marsh for 1 week, and to Mr. Prescott for six days, to Mr. Noble for 10 days and Mr. Wells for 6 days.

Mr. Brewer offered for the consideration of the House resolutions in the words following, to wit:

*Resolved*, That the bills entitled "An act in relation to the Sing Sing prison," "An act in relation to county prisons," "An act making appropriations for Clinton prison," "An act to discontinue the Clinton prison, and to convert the building used therefor into an asylum for the education of idiots," be made the special order for Wednesday next, at 1 o'clock p. m.

Mr. Cross moved to amend the resolution by making said bills a special order for Wednesday next at 4 o'clock p. m.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the affirmative.

Mr. Pruyn offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That bill number 280, making an appropriation for the support in part of the orphan asylums of the cities of Albany and Troy, be committed to the committee of the whole having in charge prison appropriation bills.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

On motion of Mr. Rose,

*Resolved*, That a respectful message be sent to the Senate, requesting that body to transmit to this House the petitions and papers in relation to the repeal of the law making the oleometer the test of the purity of sperm oil, and that the same be referred to the committee on trade and manufactures.

On motion of Mr. Fiske,

*Resolved*, That the bill entitled "An act to provide against infectious and pestilential diseases, and to provide for the place of Quarantine," be made the special order for Tuesday March 14, at 4 o'clock.

On motion of Mr. Van Orden,

*Resolved*, That the bill entitled "An act to make the offices of the health officer and deputy health officer of the port of New-York, salary offices," be referred to the committee of the whole having in

charge the bill entitled "An act to provide against infectious and pestilential diseases and to provide for the place of Quarantine."

In pursuance of previous notice, Mr. Brewer asked for and obtained leave to bring in a bill entitled "An act in relation to the marine court of the city of New-York," which was read the first time, and by unanimous consent was also read a second time, and referred to a select committee consisting of the New-York delegation.

In pursuance of previous notice Mr. Pruyn asked for and obtained leave to bring in a bill entitled "An act to secure the payment of wages to day laborers employed on the canals and other public works of this state," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on canals.

In pursuance of previous notice Mr. Markel asked for and obtained leave to bring in a bill entitled "An act for the relief of the heirs, personal representatives and sureties of John L. Bigelow, a canal contractor deceased," which was read the first time and by unanimous consent was also read a second time, and referred to the select committee heretofore appointed.

In pursuance of previous notice Mr. Fox asked for and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Pulaski, Oswego county, passed April 26, 1832,' " which was read the first time and by unanimous consent was also read a second time and referred to the committee on the incorporation of cities and villages.

On motion of Mr. Carver,

The House proceeded to the consideration of the bill, entitled "An act to discontinue the Sing Sing prison and to convert the buildings used therefor into an institution for the support and education of the deaf and dumb and blind," and the question being on the reference of said bill,

Mr. Carver moved said bill be referred to the committee on charitable and religious societies.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Carver, and it was determined in the affirmative.

On motion of Mr. Pruyn,

The House proceeded to the consideration of the bill, entitled "An act appropriating the revenues of the Literature and United States Deposits fund," and the question being on the motion of Mr. W. S. Smith to amend the report of the committee of the whole by striking out the 5, 6, 7, 8, 9, 10, 11, and 12th lines of the third section;

Mr. A. Gilbert moved the previous question, which motion having been seconded,

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker put the main question, it being whether the House would agree to the said motion of Mr. W. S. Smith, and it was determined in the negative.

{ AYES 34 }  
{ NAYS 53 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Leavenworth	Mr. Sexton
Mr. Bagley	Mr. Markel	Mr. Slocum
Mr. Boardman	Mr. Mowry	Mr. W. S. Smith
Mr. Boughton	Mr. Pease	Mr. Terry
Mr. Crittenden	Mr. Picket	Mr. J. E. Thompson
Mr. Culbert	Mr. Quackenboss	Mr. Van Auken
Mr. Glass	Mr. Raynor	Mr. Van Orden
Mr. Goddard	Mr. Richards	Mr. Vincent
Mr. Goff	Mr. A. Robertson	Mr. Wheaton
Mr. Green	Mr. Rose	Mr. Whittaker
Mr. Guernsey	Mr. Rounseville	Mr. Young
Mr. Hart		

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Gates	Mr. Roblee
Mr. Barber	Mr. A. Gilbert	Mr. W. H. Robertson
Mr. Beekman	Mr. Gove	Mr. St. John
Mr. Bowen	Mr. Graham	Mr. Skeel
Mr. Boyce	Mr. Hale	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Harmon	Mr. Speaker
Mr. Brewer	Mr. Hudson	Mr. Stryker
Mr. Bull	Mr. M. Johnson	Mr. Taylor
Mr. Button	Mr. Kelsey	Mr. B. Thompson
Mr. Carver	Mr. Kidd	Mr. H. C. Tuthill
Mr. Cornell	Mr. McKinney	Mr. Varnum
Mr. Crispell	Mr. McLean	Mr. Ward
Mr. Disosway	Mr. McNeal	Mr. White
Mr. Dodge	Mr. Maine	Mr. Willard
Mr. Elderkin	Mr. Mersereau	Mr. Wilcox
Mr. Fiske	Mr. Miller	Mr. Wing
Mr. Fitzhugh	Mr. Prescott	Mr. Wisewell
Mr. Fox	Mr. Pruyn	

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Mr. Speaker then put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

*Ordered,* That the said bill be engrossed for its third reading.

The House then resolved itself into a committee of the whole, on the bill, entitled "An act to amend an act entitled 'An act relative to the office of town superintendent of common schools and amendatory of the Revised Statutes, entitled 'of public instruction,' passed December 15, 1847," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Graham from said committee, reported

that the committee had had said bill under consideration, and struck out the enacting clause.

Mr. A. Johnson moved that the question of agreeing to the report of the committee of the whole be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. A. Johnson, and it was determined in the affirmative.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to regulate the hours of labor," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Boughton from said committee reported progress and asked and obtained leave to sit again.

And then at 2 o'clock, p. m.,

The House took a recess until 4 o'clock.

#### FOUR O'CLOCK P. M.

The House again met.

A quorum of members not being in attendance, Mr. Fish moved a called of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fish, and it was determined in the affirmative.

The doors were then closed and the roll called, when

Mr. Pruyn moved to suspend further proceedings under the call.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

The doors were then opened.

Mr. Fitzhugh moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fitzhugh, and it was determined in the negative.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend article third, of title first, of chapter eighth, of part second of the Revised Statutes, entitled 'Of divorces, dissolving the marriage contract.'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Campbell from said committee, reported progress, and asked for and obtained leave to sit again.

Mr. Beekman moved said bill be made a special order for Friday next at four o'clock, and that the House take a recess from two o'clock until four o'clock for the purpose of considering said bill.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Beekman, and it was determined in the affirmative.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act in relation to the terms of the supreme court held in the city of Albany," which was read the first time, and by unanimous consent was read a second time.

On motion of Mr. Bagley,

*Ordered*, That said bill be read a third time.

By unanimous consent the said bill was then read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Raynor
Mr. H. J. Allen	Mr. Glass	Mr. Richards
Mr. Bagley	Mr. Goddard	Mr. Roblee
Mr. Bailey	Mr. Gove	Mr. A. Robertson
Mr. Barber	Mr. Graham	Mr. W. H. Robertson
Mr. Beekman	Mr. Green	Mr. Rose
Mr. Boardman	Mr. Guernsey	Mr. Rounseville
Mr. Boughton	Mr. Hale	Mr. St. John
Mr. Bowen	Mr. Hall	Mr. Sexton
Mr. Boyce	Mr. Harmon	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Slocum
Mr. Brewer	Mr. A. Johnson	Mr. W. S. Smith
Mr. Budd	Mr. M. Johnson	Mr. Taylor
Mr. Button	Mr. Kelsey	Mr. Terry
Mr. Campbell	Mr. Kennedy	Mr. B. Thompson
Mr. Carver	Mr. Kidd	Mr. J. E. Thompson
Mr. Crispell	Mr. McKinney	Mr. H. C. Tuthill
Mr. Crittenden	Mr. McLean	Mr. Van Auken
Mr. Cross	Mr. McNeal	Mr. Van Orden
Mr. Culbert	Mr. Maine	Mr. Varnum
Mr. Disosway	Mr. Mersereau	Mr. Vincent
Mr. Dodge	Mr. Miller	Mr. Ward
Mr. Elderkin	Mr. Pease	Mr. Wheaton
Mr. Fiske	Mr. Picket	Mr. White
Mr. Fitzhugh	Mr. Prescott	Mr. Wing
Mr. Gates	Mr. Pruyn	Mr. Wisewell
Mr. A. Gilbert	Mr. Quackenboss	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

And then, at 6 o'clock p. m.,

On motion of Mr. Pruyn,

The House adjourned.

## TUESDAY, MARCH 6, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The minutes of yesterday were read and approved.

Mr. Young presented the petition of sundry inhabitants of this State for the establishment of an agricultural professorship in the Central college in Cortland co., which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Danforth presented the remonstrance of sundry citizens of Schoharie co., against any division of that county, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Culbert presented the petition of sundry citizens of the county of Hamilton for a road from Johnsburgh in Warren county to the town of Wells in Hamilton county, which was read and referred to the committee on roads and bridges.

Messrs. Fish and Fox presented four petitions of sundry citizens of this State, praying for the establishment of free schools throughout the State, which were read and referred to the committee on colleges, academies and common schools.

Mr. Mowry presented three several petitions of sundry citizens of the county of Washington for an act declaring the public use of a railroad from Troy to Rutland in Vermont, which were read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Danforth and Sexton presented five several petitions of sundry citizens of the town of Cobleskill, in the county of Schoharie, for a division of that town; also, a remonstrance of sundry other citizens of the same place against such division, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Mowry presented the petition of sundry inhabitants of the town of Salem, in the county of Washington, for a law authorising the erection of a bridge across Lake Champlain at Rouse's point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mowry presented the remonstrance of sundry citizens of Whitehall, in Washington county, against authorising the erection of a bridge across Lake Champlain at Rouse's point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Carver presented three several petitions of sundry inhabitants of this state, for the continuance of the Clinton State prison, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Woodruff presented the remonstrance of George Williams,

against changing the location of the Genesee Valley canal at Portage, which was read and referred to the committee on canals.

Mr. Whittaker and Mr. J. E. Thompson presented four several petitions of sundry inhabitants of Otsego co., in favor of including the town of Unadilla in the proposed new county of Patterson, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Fish and Mr. Campbell presented two several petitions of sundry citizens of this state, for a law prohibiting the traffic in ardent spirits, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. Whittaker presented the petition of sundry citizens of Otsego co., for a new county from parts of Delaware, Broome, Chenango and Otsego counties, which was read and referred to the committee on the erection and division of towns and counties.

Messrs. Bailey, Barber, M. Johnson and Sexton presented four several remonstrances of sundry citizens of Schoharie co., against any division of that county, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bush presented the petition of the officers of the town of Cohecton, for a law authorising the supervisor of the town and the clerk of the board of supervisors of the county of Sullivan, to make out a new warrant for the collection of taxes in said town, assessed in 1848, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Pruyn presented the petition of William Sternbergh, a canal contractor, for a law authorising the Canal Board, in their discretion, to grant the petitioner a rehearing of his claim against the State, which was read and referred to the committee on claims.

Mr. Fish presented the petition of sundry citizens of the county of Montgomery, for a law making ten hours the time of a legal day's labor, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Danforth presented the petition of sundry inhabitants of the town of Fulton, in the county of Schoharie, for a law annexing a part of that town to the town of Middleburgh, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Boardman presented the remonstrance of sundry inhabitants of Allegany co., against any division of that county or removal of the county buildings therein, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Slocum presented the remonstrance of sundry citizens of Syracuse, against any further tax on foreign insurance companies, which was read and referred to the committee on banks and insurance companies.

Mr. Speaker and Mr. Pruyn presented two several remonstrances of sundry citizens of the counties of Rensselaer and Albany, against the passage of the act entitled "An act for the better regulating wharfage and the use of wharves in the cities of New-York and

Brooklyn," which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the petition of the trustees of the village of Waterloo, for an act to extend the limits of the charter of said village, reported, and asked, and obtained leave to bring in a bill entitled "An act to amend the act incorporating the village of Waterloo," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the resolutions of the board of supervisors of Wyoming co., for a law to change the time for holding the annual meeting, reported, and asked, and obtained leave to bring in a bill entitled "An act to change the time of holding the annual meeting of the board of supervisors of the county of Wyoming," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act relating to claims against the county of Albany," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Woodruff, from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act in relation to the location of the county jail at Oswego," reported that the committee had gone through said bill and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act to abolish the office of county superintendent of the poor in the county of Albany," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the bill entitled "An act for the preservation of newspapers," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of Queens co., for



relief against the South Oysterbay Turnpike Company," reported, and asked to be discharged from the further consideration of said petition, and that the same be referred to the committee on grievances.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of Orin Dodge for relief from damages sustained by the construction of the Oswego canal, reported against the prayer of the petitioner, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That the prayer of the petitioner ought not to be granted.

(See Doc. No. 147.)

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Fitzhugh, from the committee on canals, to which was referred the petition of sundry inhabitants of Scottsville and vicinity, for relief from damages done to the highways of said town by the Genesee Valley canal, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. St. John from the committee on engrossed bills, reported that said committee had examined the bill entitled as follows, to wit :

"An act appropriating the revenue of the Literature and United States Deposit Fund."

And found the same correctly engrossed.

*Ordered*, That said bill be read a third time.

Mr. Pruyn from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of Sing Sing, Westchester co., for the establishment of free schools in that village, reported, and asked, and obtained leave to bring in a bill entitled "An act to establish free schools in the village of Sing Sing," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Van Orden from the committee on public printing, to which was referred the motion to print 20 times the usual number of the report of the committee on banks and insurance companies, on the bill entitled "An act to facilitate the reorganization of incorporated banks under the provisions of the act to authorise the business of banking and the acts amendatory thereof," reported, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That 15 times the usual number of said report be printed for the use of the Legislature.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Van Orden from the committee on public printing to which was referred the motion to print five times the usual number of the report of the Secretary of state, in relation to the statistics required to be made by railroads, and 100 for the use of the Secretary of state, reported, and offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That three times the usual number of the said report be printed for the use of the Legislature, and 100 copies for the use of the Secretary of state.

Mr. Speaker put the question whether the House would agree to the said resolution and it was determined in the affirmative.

Mr. Hoyt, from the committee on public lands, to which was referred the petition of John Randell jr., for payment of monies due him for interest on certain sums paid by him in making surveys for the commissioners of the land office, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the settlement and payment of the claim of John Randell, jr., for interest on moneys expended in making surveys of public lands," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Harmon from the committee on charitable and religious societies, to which was referred the engrossed bill from the Senate entitled "An act to incorporate the American Female Guardian Society," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bowen, from the select committee, to which was referred the bill entitled "An act in relation to the marine court of the city of New-York," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bowen from the select committee to which was referred the bill entitled "An act providing for the appointment of commissioners for the sale of lands under foreclosure in the city of New-York," reported that the committee had had said bill under consideration, made sundry amendments thereto, and altered the title so as to read "An act to amend an act in relation to the judiciary, passed May 12, 1847," and saw no reason why the same as amended should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. A. Johnson, from the select committee, to which was referred the bill entitled "An act to authorise the Bainbridge and Deposit Plank Road Company to erect a bridge across the Susquehannah

river, at or near the village of Bainbridge," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for its third reading.

Mr. Bowen from the select committee to which was referred the petition of the superintendents of the poor of the county of Kings, for a law requiring the board of supervisors to fix the salaries of said superintendents, reported, and asked, and obtained leave to bring in a bill entitled "An act concerning the salaries or compensation of the superintendents of the poor in the county of Kings,," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. W. S. Smith, from the select committee of nine, reported and recommended several bills as proper to be referred to select committees to report complete.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Whereupon, the committee of the whole was discharged from the further consideration of the same, and the said bills were severally referred to select committees to report complete, as follows:

"An act to amend an act to require superintendents of the poor to give bonds, passed April 12, 1848," to Mr. Harmon, Mr. Maine and Mr. Skeel.

"An act to prevent the throwing of offal and other filthy substances in the streets of the city of New-York," to Mr. Campbell, Mr. H. J. Allen and Mr. Brewer.

"An act to confirm the official acts of Jesse Rosecrants, a justice of the peace of the town of Candor," to Mr. Bagley, Mr. Bailey and Mr. Whittaker.

"An act to enable the mayor, aldermen and commonalty of the city of New-York to extend the Croton water works," to Mr. Bowen, Mr. Stryker and Mr. H. J. Allen.

"An act to release the interest of the state in certain lands of which David Darrah died possessed, to Susan Darrah, his wife," to Mr. Goff, Mr. Bush and Mr. Taylor.

"An act to provide for the construction of a plank road from the village of Homer to the village of Cortlandville," to Mr. Skeel, Mr. Ward and Mr. Wheaton.

"An act to authorise Gilbert Smith to surrender his old stock of the New-York and Erie railroad, and to receive new stock therefor," to Mr. Bailey, Mr. Bagley and Mr. Fish.

Engrossed bill from the Senate, "An act to incorporate the Auburn Savings Bank," to Mr. Brinkerhoff, Mr. Campbell and Mr. Button.

"An act to amend an act to incorporate the Brooklyn city hospital, passed May 8, 1845," to Mr. Cross, Mr. Fiske and Mr. Boughton.

"An act to regulate the eel-fishery in the waters of the Mecox bay in the town of Southampton, in the county of Suffolk," to Mr. Rose, Mr. Miller and Mr. W. S. Smith.

"An act to amend an act to subject monied or stock corporations

to assessment for highway labor, passed May 15, 1837," to Mr. Brinkerhoff, Mr. St. John and Mr. Maine.

"An act authorising the settlement of the claim of Amos B. King and James H. King, assignees of William M. King, for work done on the Erie canal enlargement and for materials furnished by them," to Mr. Glass, Mr. Hale and Mr. Slocum.

Engrossed bill from the Senate, "An act to amend an act, entitled 'An act to incorporate the New-York floating dry dock company,' passed April 18, 1843," to Mr. McKinney, Mr. Bowen and Mr. Perley.

"An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes," to Mr. B. Thompson, Mr. Raynor and Mr. McNeal.

"An act to require the town of Norfolk to pay the town of Louisville certain school monies," to Mr. Goddard, Mr. Maine and Mr. Picket.

"An act to authorise the loan commissioners of the county of Washington to transcribe certain records in said county," to Mr. Mowry, Mr. A. Robertson and Mr. Maine.

"An act to confirm the official acts of Hiram W. Jackson, of the town of China, as superintendent of common schools," to Mr. Richards, Mr. Maine and Mr. Pardee.

"An act to confirm the official acts of Horace D. Brundage, justice of the peace of town of Lodi," to Mr. Markel, Mr. Maine and Mr. Bagley.

"An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street, and to authorise the said turnpike company to cede the same to said village," to Mr. Boughton, Mr. Fiske and Mr. Cross.

"An act authorising the appraisal and payment of canal damages to Perkins E. Hayes," to Mr. Ward, Mr. Hale and Mr. Boardman.

Engrossed bill from the Senate, "An act to authorise the Comptroller to issue registered notes in lieu of unregistered ones in certain cases," to Mr. Campbell, Mr. White and Mr. Pruyn.

"An act to authorise Moses Randall, executor of the last will and testament of James Roberts, deceased, to convey certain real estate," to Mr. Bailey, Mr. Mowry and Mr. Wells.

"An act authorising the erection of docks in the seventh ward in the city of Brooklyn," to Mr. Cross, Mr. Fiske, Mr. A. Gilbert, Mr. Cornell and Mr. Boughton.

"An act to authorise James Peck to extend and otherwise improve the old town dock in the town of Flushing," to Mr. W. S. Smith, Mr. Rose and Mr. Fiske.

"An act to define the boundaries of the towns of Ballston and Clifton Park," to Mr. Kennedy, Mr. Rockwell and Mr. Maine.

"An act authorising the commissioners of highways of the towns of Marbletown and Rosendale, in the county of Ulster, to complete laying out and to open a certain road in said towns," to Mr. Graham, Mr. Maine and Mr. Crispell.

"An act to amend an act to enable resident aliens to hold and con-

vey real estate, and for other purposes, passed April 30, 1845," to Mr. Taylor, Mr. Bagley and Mr. Bush.

Engrossed bill from the Senate, "An act in relation to the removal of convicts from one State prison to another," to Mr. Brewer, Mr. Carver and Mr. Brinkerhoff.

Engrossed bill from the Senate, "An act in relation to the recorder of the city of Troy," to Mr. Bailey, Mr. Budd and Mr. L. Ward Smith.

Engrossed bill from the Senate, "An act to confirm the official acts of Benjamin T. Miller, late Sheriff of Broome county," to Mr. Whittaker, Mr. Fish and Mr. A. Johnson.

"An act to reincorporate the Methodist Episcopal church, Garretson Station, Albany," Mr. Pruyn, Mr. Maine and Mr. Beekman.

"An act to erect the town of Red Jacket from the towns of Hamburg, Black Rock and Cheektowaga," to Mr. Raynor, Mr. B. Thompson and Mr. McNeal.

"An act to amend the Revised Statutes relative to commissions to executors and administrators," to Mr. Pruyn, Mr. Bailey and Mr. Bowen.

"An act to amend an act to secure the faithful expenditure of moneys raised and collected for certain charitable institutions in the First Senate district, passed May 13, 1840," to Mr. Brewer, Mr. Campbell and Mr. Cornell.

"An act to incorporate St. Vincent's Orphan Asylum society, in the city of Albany," to Mr. Pruyn, Mr. Maine and Mr. Wing.

"An act to incorporate the Williamsburgh Ferry company," to Mr. Cross, Mr. Cornell and Mr. Boughton.

"An act authorising the supervisors of the county of Oswego to raise money to construct a free bridge over the Oswego river," to Mr. Fitzhugh, Mr. Culbert and Mr. Fox.

"An act to provide against taking a fraudulent census among the Onondaga Indians, and give them power to apply national funds," to Mr. Glass, Mr. Young and Mr. Curtis.

Engrossed bill from the Senate, "An act authorising a loan from the common school fund to the county of Orleans," to Mr. Roblee, Mr. Pickett and Mr. Button.

"An act to authorise town clerks to administer certain oaths," to Mr. Markel, Mr. St. John and Mr. Johnson.

The report of the Canal Appraisers on the petition of Simeon Mattison and others, for the passage of a law requiring the Canal Appraisers to appraise certain damages caused by surplus waters of the Erie canal, was received and referred to the committee on canals.

(See Doc. No. 145.)

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the bill entitled "An act to amend an act relating to the New-York and Harlem Railroad Company, passed May 7, 1840, and the acts amending the same.

The amendments were read, when

Mr. Dodge moved the House do concur in the said amendments.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Dodge, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Roblee
Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. A. Robertson
Mr. Bagley	Mr. Glass	Mr. W. H. Robertson
Mr. Bailey	Mr. Goddard	Mr. Rose
Mr. Barber	Mr. Goff	Mr. Rounsaville
Mr. Beekman	Mr. Gove	Mr. St. John
Mr. Boardman	Mr. Graham	Mr. Sexton
Mr. Boughton	Mr. Green	Mr. Skeel
Mr. Bowen	Mr. Hall	Mr. Sloum
Mr. Boyce	Mr. Harmon	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Hart	Mr. Speaker
Mr. Brewer	Mr. Hoyt	Mr. Stryker
Mr. Bush	Mr. A. Johnson	Mr. Taylor
Mr. Button	Mr. M. Johnson	Mr. Terry
Mr. Campbell	Mr. Kelsey	Mr. B. Thompson
Mr. Carver	Mr. Kennedy	Mr. J. E. Thompson
Mr. Cornell	Mr. Kidd	Mr. H. C. Tutill
Mr. Crispell	Mr. Leavenworth	Mr. Van Auker
Mr. Crittenden	Mr. McKinney	Mr. Van Orden
Mr. Cross	Mr. McLean	Mr. Varnum
Mr. Culbert	Mr. Maine	Mr. Ward
Mr. Curtis	Mr. Mersereau	Mr. Wheaton
Mr. Danforth	Mr. Miller	Mr. White
Mr. Dodge	Mr. Pardee	Mr. Whittaker
Mr. Elderkin	Mr. Pease	Mr. Willard
Mr. Fish	Mr. Picket	Mr. Wing
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Fitzhugh	Mr. Quackenboss	Mr. Woodruff
Mr. Fox	Mr. Richards	Mr. Young
Mr. Gates		

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

The engrossed bill entitled "An act to authorise the Bainbridge and Deposit Plank Road Company to erect a bridge across the Susquehannah river, at or near the village of Bainbridge," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirma-

tive, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Quackenboss
Mr. H. J. Allen	Mr. A. Gilbert	Mr. Richards
Mr. Averill	Mr. L. M. Gilbert	Mr. Roblee
Mr. Bagley	Mr. Glass	Mr. A. Robertson
Mr. Bailey	Mr. Goddard	Mr. W. H. Robertson
Mr. Barber	Mr. Goff	Mr. Rose
Mr. Beekman	Mr. Gove	Mr. Rounseville
Mr. Boardman	Mr. Graham	Mr. St. John
Mr. Boughton	Mr. Green	Mr. Sexton
Mr. Bowen	Mr. Guernsey	Mr. Skeel
Mr. Boyce	Mr. Hale	Mr. Slocum
Mr. Brinkerhoff	Mr. Hall	Mr. W. S. Smith
Mr. Bull	Mr. Harmon	Mr. Speaker
Mr. Bush	Mr. Hart	Mr. Stryker
Mr. Button	Mr. Hoyt	Mr. Terry
Mr. W. Butts	Mr. A. Johnson	Mr. B. Thompson
Mr. Campbell	Mr. M. Johnson	Mr. J. E. Thompson
Mr. Carver	Mr. Kelsey	Mr. H. C. Tuthill
Mr. Crispell	Mr. Kennedy	Mr. Van Auker
Mr. Crittenden	Mr. Kidd	Mr. Van Orden
Mr. Cross	Mr. McKinney	Mr. Varnum
Mr. Culbert	Mr. McLean	Mr. Ward
Mr. Curtis	Mr. Maine	Mr. Wheaton
Mr. Danforth	Mr. Markel	Mr. White
Mr. Disosway	Mr. Mersereau	Mr. Whittaker
Mr. Dodge	Mr. Miller	Mr. Willard
Mr. Elderkin	Mr. Mowry	Mr. Wing
Mr. Fish	Mr. Pardee	Mr. Wisewell
Mr. Fiske	Mr. Pease	Mr. Woodruff
Mr. Fitzhugh	Mr. Picket	Mr. Young
Mr. Fox	Mr. Pruyn	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act appropriating the revenues of the Literature and United States Deposit Funds," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined as follows:

{ AYES 68 }  
{ NAYS 18 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Elderkin	Mr. Pease
Mr. Averill	Mr. Fish	Mr. Pruyn
Mr. Bagley	Mr. Fiske	Mr. Quackenboss
Mr. Bailey	Mr. Fitzhugh	Mr. W. H. Robertson
Mr. Barber	Mr. Fox	Mr. St. John
Mr. Beekman	Mr. Gates	Mr. Sexton
Mr. Boardman	Mr. A. Gilbert	Mr. Skeel
Mr. Boughton	Mr. L. M. Gilbert	Mr. Slocum
Mr. Bowen	Mr. Glass	Mr. Speaker
Mr. Boyce	Mr. Goddard	Mr. Stryker
Mr. Brinkerhoff	Mr. Graham	Mr. Taylor
Mr. Brewer	Mr. Hale	Mr. B. Thompson
Mr. Button	Mr. Hall	Mr. J. E. Thompson
Mr. W. Butts	Mr. Harmon	Mr. H. C. Tuthill
Mr. Campbell	Mr. M. Johnson	Mr. Varnum
Mr. Carver	Mr. Kelsey	Mr. Ward
Mr. Cornell	Mr. Kennedy	Mr. Wheaton
Mr. Crispell	Mr. Kidd	Mr. White
Mr. Cross	Mr. McKinney	Mr. Willard
Mr. Curtis	Mr. McLean	Mr. Wing
Mr. Danforth	Mr. Maine	Mr. Wisewell
Mr. Disosway	Mr. Mersereau	Mr. Woodruff
Mr. Dodge	Mr. Miller	

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Those who voted in the negative are,

Mr. B. Allen	Mr. Gove	Mr. Rose
Mr. Budd	Mr. Hart	Mr. Rounseville
Mr. Bush	Mr. Markel	Mr. Terry
Mr. Crittenden	Mr. Picket	Mr. Van Auken
Mr. Culbert	Mr. Roblee	Mr. Van Orden
Mr. Goff	Mr. A. Robertson	Mr. Young

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Whereupon Mr. Speaker decided the said bill to be passed, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present.

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

Mr. W. S. Smith appealed from the decision of the chair deciding that said bill was passed, inasmuch as two-thirds of all the members elected to the Assembly had not voted in favor thereof.

Debate was had thereon, when

Mr. Speaker put the question "Shall the decision of the chair stand as the judgment of the House?" and it was determined in the affirmative.

{ AYES 72 }  
{ NAYS 9 }

The ayes and nays being called for by ten members,



Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Pardee
Mr. H. J. Allen	Mr. Fitzhugh	Mr. Pease
Mr. Bagley	Mr. Fox	Mr. Picket
Mr. Bailey	Mr. Gates	Mr. Pruyn
Mr. Barber	Mr. A. Gilbert	Mr. Quackenboss
Mr. Beekman	Mr. L. M. Gilbert	Mr. Roblee
Mr. Boardman	Mr. Gove	Mr. Rounseville
Mr. Bowen	Mr. Graham	Mr. St. John
Mr. Boyce	Mr. Hale	Mr. Sexton
Mr. Brinkerhoff	Mr. Hall	Mr. Skeel
Mr. Brewer	Mr. Harmon	Mr. S ocum
Mr. Bull	Mr. Hudson	Mr. Stryker
Mr. Button	Mr. A. Johnson	Mr. Taylor
Mr. W. Butts	Mr. M. Johnson	Mr. Terry
Mr. Campbell	Mr. Kelsey	Mr. B. Thompson
Mr. Carver	Mr. Kennedy	Mr. H. C. Tuthill
Mr. Cornell	Mr. Kidd	Mr. Varnum
Mr. Crittenden	Mr. Leavenworth	Mr. Ward
Mr. Cross	Mr. McKinney	Mr. Wheaton
Mr. Curtis	Mr. McLean	Mr. White
Mr. Danforth	Mr. McNeal	Mr. Willard
Mr. Dodge	Mr. Maine	Mr. Wing
Mr. Elderkin	Mr. Mersereau	Mr. Wisewell
Mr. Fish	Mr. Miller	Mr. Woodruff

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Those who voted in the negative are,

Mr. Boughton	Mr. Goff	Mr. W. S. Smith
Mr. Budd	Mr. W. H. Robertson	Mr. Van Orden
Mr. Culbert	Mr. Rose	Mr. Whittaker

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On motion of Mr. Woodruff,

*Resolved*, That the Hon. the Senate, be, and they are hereby requested to transmit to this House a report of the commissioners of the Land Office on the petition of Benjamin Birdsall and his associates, made to that body on the 9th of March, 1790, and on that day ordered to be filed, and that said report, when received, be referred to the committee on public lands.

On motion of Mr. Pruyn,

*Resolved*, That the bill making appropriations for the support in part of the Orphan Asylums in the cities of Albany and Troy be referred to the committee of the whole having charge of the bill to regulate the hours of labor.

Mr. Averill gave notice that he would at an early day ask leave to introduce a bill a bill to annex a part of the town of Oppenheim to the town St. Johnsville.

Mr. Bailey offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That ten times the usual number of the transactions of

the State Medical Society be printed for the use of the Legislature, and one hundred for the use of the society.

*Ordered*, That the said resolution be referred to the committee on public printing.

Mr. Elderkin gave notice that he would at an early day ask leave to introduce a bill to impose a tax on old bachelors.

Mr. B. Thompson offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That Lieutenant, (now Brevet Captain,) Isaac Bowen, by his noble and gallant bearing in the service of his county, during the war with Mexico, has reflected distinguished honor upon his native State, and is entitled to the thanks of her people which are hereby tendered him; and, that as a token of their appreciation of his worth as a soldier and a man, the Governor be requested to procure a gold medal with appropriate devices and present the same to Lieutenant Bowen in the name of the people of this State, together with a copy of this resolution.

On motion of Mr. A. Johnson,

*Ordered*, That the said resolution be referred to the committee on the militia and public defence.

Mr. Danforth gave notice that he would at an early day ask leave to introduce a bill to annex a part of the town of Fulton to the town of Middleburgh, in Schoharie co.

Mr. Disosway gave notice of his intention to introduce a bill authorising the Comptroller to issue registered notes of such banks, an account of which has been returned to his department, when he shall be satisfied, from the facts on oath of the president and cashier, that such unregistered notes have been lost or destroyed.

Mr. Fish offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That from this day until the end of the session, this house will hold afternoon sessions at four o'clock each afternoon, and that each day a recess will be taken from two o'clock until four o'clock.

*Ordered*, That the said resolution be laid on the table.

Mr. H. J. Allen gave notice that he would ask leave, at an early day, to introduce a bill to provide against infectious and pestilential diseases, and to provide for the removal of Congress Hall.

On motion of Mr. Rose,

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend an act, entitled 'An act relative to the office of town superintendent of common schools and amendatory of the Revised Statutes, entitled 'Of public instruction,' passed Dec 15, 1847," and after some time spent thereon, reported that they had struck out the enacting clause of said bill.

Mr. Speaker put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

On motion of Mr. Fish,

The House proceeded to the consideration of the resolution heretofore offered in the words following, to wit:

**Resolved,** That from and after the first day of March next, this House will hold an afternoon session.

Mr. Fish moved to amend the said resolution by striking out all after the word resolved, and insert, "That from this day until the end of this session, this House will hold afternoon sessions at four o'clock each afternoon, and that each day a recess will be taken from two o'clock until four o'clock."

Mr. Rose moved to amend the said resolution by taking a recess from two o'clock until seven o'clock, p. m.

Mr. Fiske moved that said resolution be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the affirmative.

In pursuance of previous notice Mr. Pease asked for and obtained leave to bring in a bill entitled "An act to revive and amend an act, entitled 'An act to incorporate the Turin academy,'" which was read the first time and by unanimous consent was also read a second time, and referred to the committee on colleges, academies and common schools.

In pursuance of previous notice, Mr. Fitzhugh asked and obtained leave to introduce a bill, entitled "An act giving assent to the erection by the United States of a Marine Hospital on the old fort, military or parade ground at Oswego," which was read the first time and by unanimous consent was also read a second time, and referred to the committee on commerce and navigation.

In pursuance of previous notice, Mr. A. Johnson asked and obtained leave to introduce a bill, entitled "An act to preserve the fish in certain portions of the Unadilla river," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. A. Johnson,

**Ordered,** That said bill be referred to a select committee consisting of the Otsego delegation.

On motion of Mr. Cornell,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

**Resolved,** That the Comptroller be requested to inform this House, if the information can be given at this session, and if not, then to inform the next Legislature what amount has been received for erroneous payments of taxes, and which has not been returned to the parties who made such payments, and to specify in his report the time such erroneous payment not returned was made, by whom it was made and what tax it was intended to discharge.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

On motion of Mr. Wing,

**Resolved,** That "An act for the removal of the Hallenbeck burying ground, situated in the city of Albany," be referred to a select committee to report complete.

**Ordered,** That Mr. Wing, Mr. Pruyn, and Mr. Barber be such select committee.

The House then resolved itself into a committee of the whole on the bill, entitled "An act to amend the charter of the Attica and Hornellsville Railroad company," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Orden from said committee, reported progress, and asked leave to sit again.

The Senate returned the engrossed bill, entitled "An act to amend an act relative to the New-York and Harlem Railroad company, passed May 7, 1840, and the acts amending the same."

*Ordered,* That the Clerk deliver the said bill to the Governor.

And then at 2 o'clock p. m.,

On motion of Mr. Danforth,

The House took a recess until 4 o'clock.

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#### FOUR O'CLOCK P. M.

The House again met.

The House then resolved itself into a committee of the whole on the special order of the day, it being the bill entitled as follows :

"An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester, on the most direct and eligible route."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Cross from said committee reported progress, and asked leave to sit again.

Mr. White moved said bill be made the special order for to-morrow, at 6½ o'clock p. m.

Mr. Speaker put the question whether the House would agree to said motion of Mr. White, and it was determined in the negative.

Mr. Cornell moved to make said bill a special order for 12 o'clock to-morrow.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the negative.

Mr. Campbell moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Campbell, and it was determined in the negative.

Mr. Fish moved said bill be made the special order for to-morrow at 7 o'clock p. m.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fish, and it was determined in the affirmative.

Mr. Pruyn moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

And then, at 6 o'clock p. m.,

The House adjourned.

## WEDNESDAY, MARCH 7, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

The minutes of yesterday were read and approved.

Mr. A. Robertson presented three several petitions of sundry citizens of the counties of Washington and Saratoga, for an act declaring the public use of a railroad from Whitehall to the Canada line, which were read and referred to the committee on railroads.

Messrs. Carver, Mowry, and Van Orden presented the petition of sundry citizens of this state, for the countinuance of the Clinton state prison, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Budd presented the petition of sundry inhabitants of Schodack, praying for a division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Nash presented the remonstrance of sundry inhabitants of the county of Chemung, against locating the Chemung canal in Jefferson at a certain point, which was read and referred to the committee on canals.

Messrs. Speaker, A. Robertson and Goff presented sixteen several remonstrances of sundry inhabitants of the counties of Rensselaer, Washington, and Saratoga, against any law authorising the erection of a bridge across Lake Champlain at Rouses' Point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Speaker and Mr. H. C. Tuthill presented two petitions of sundry citizens of the counties of Rensselaer and Cayuga for a law prohibiting the sale of intoxicating liquors as a beverage, which were read and referred to the committee on the internal affairs of towns and counties.

Mr. A. Robertson presented two several petitions of sundry citizens of the county of Washington, for an aqueduct over the Hudson river, near the Fort Miller dam, which was read and referred to the committee on canals.

Mr. Mersereau presented three several remonstrances of sundry citizens of Steuben county, against any division of said county, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mowry presented the remonstrance of sundry inhabitants of Troy, against increasing the present rates of wharfage in the city of New-York, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mersereau presented the petition of sundry citizens of the town of Addison, in the county of Steuben, for a law to compel freeholders to attend and examine routes proposed for highways, which was read and referred to the committee on roads and bridges.

Mr. Quackenboss presented three several petitions of sundry citizens of Steuben county, for the establishment of free schools throughout the state, which were read and referred to the committee on colleges, academies and common schools.

Mr. Budd and Mr. Crispell presented two several petitions of sundry citizens of the counties of Rensselaer and Ulster, for a law prohibiting the use of drift nets in the Hudson river, which were read and referred to the select committee on that subject.

Mr. L. Ward Smith presented the petition of the Roman Catholic Orphan Asylum, of Rochester, for an amendment of their charter, which was read and referred to the committee on charitable and religious societies.

Mr. Pruyt presented the remonstrance of sundry inhabitants of Brooklyn, against the discontinuance of the Clinton prison, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Quackenboss presented the petition of sundry inhabitants of Steuben county, for a law to tax non-residents for personal property, which was read and referred to the committee on the judiciary.

Mr. Bush presented the petition of sundry citizens of Sullivan county, for a law providing for the sale of lands for taxes in the counties in which such lands are situated, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Boyce presented the petition of Jane Mandeville for the payment of certain canal damages heretofore awarded her husband, now deceased, which was read and referred to the committee on claims.

Mr. Wheaton presented the petition of sundry inhabitants of the town of Otisco, for a law to prevent the taking of fish with seines or spears in Otisco lake, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Markel presented the petition of the trustees of the Waterloo Woolen Manufacturing Company, for an act to authorise the appraisal of damages sustained by said company on the Cayuga and Seneca canal, which was read and referred to the committee on claims.

Mr. Danforth, Mr. Sexton, and Mr. J. E. Thompson presented three several remonstrances of sundry citizens of the county of Schoharie, against any division of that county, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. L. Ward Smith from the committee on grievances, to which was referred the petition of sundry inhabitants of Queens county, praying for relief against the South Oysterbay Turnpike Company, reported against the prayer of the petitioners and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

On motion of Mr. W. S. Smith,

*Ordered*, That the said report be laid on the table.

Mr. Button from the committee on colleges, academies and com-

mon schools, to which was referred the petition of sundry inhabitants of the towns of Schroon and North Hudson, for a law for the better regulation of the school districts of said towns, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Pardee from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of Moriah, Essex co., for an alteration of the town line of said town, reported, and asked, and obtained leave to bring in a bill entitled "An act to annex a part of the town of Westport to the town of Moriah," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Cross from the committee on the incorporation of cities and villages, to which was referred the petition of inhabitants of the village of Ovid, Seneca co., for a repeal of the charter of said village, reported and asked and obtained leave to introduce a bill, entitled "An act to repeal the act incorporating the village of Ovid, in the county of Seneca, passed April 17, 1816," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bagley from the committee on the judiciary to which was referred the petition of the board of supervisors of Jefferson co., for a law to authorise the election of a local officer to perform the duties of judge and surrogate, reported and asked and obtained leave to introduce a bill, entitled "An act to authorise the election of separate officers to perform the duties of judge and surrogate in the county of Jefferson," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Boughton from the select committee to which was referred the bill, entitled "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street, and to authorise the said turnpike company to cede the same to said village," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments and altered the title so as to read "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. McKinney from the committee on engrossed bills, reported that said committee had examined the bill entitled as follows, to wit:

"An act to amend an act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834."

And found the same correctly engrossed.

*Ordered*, That said bill be read a third time.

Mr. Cross from the select committee to which was referred the bill, entitled "An act to amend an act to incorporate the Brooklyn City Hospital, passed May 8, 1845," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Taylor from the select committee to which was referred the bill, entitled "An act to amend an act to enable resident aliens to hold and convey real estate and for other purposes, passed April 30, 1845," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Cornell from the committee on the judiciary, to which was referred the second report of the committee on practice and pleadings, reported and asked and obtained leave to introduce a bill, entitled "An act making amendments and additions to the code of procedure," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Brinkerhoff from the select committee to which was referred the bill, entitled "An act to incorporate the Auburn Savings institution," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Pruyn from the select committee to which was referred the bill, entitled "An act to incorporate the Saint Vincent's Orphan Asylum society, in the city of Albany," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Pruyn from the select committee to which was referred the bill, entitled "An act to reincorporate the Methodist Episcopal church, Garretson Station, Albany," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Pruyn from the select committee to which was referred the bill, entitled "An act to amend the Revised Statutes relative to commissions to executors and administrators," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Pruyn from the select committee to which was referred the bill, entitled "An act for the removal of the Hallenbake burying ground situated in the city of Albany," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.



Mr. Campbell from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to authorise the Comptroller to issue registered notes in lieu of unregistered ones in certain cases," to report complete reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Bowen from the select committee to which was referred the bill, entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York to extend the Croton water works," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Graham, from the select committee to which was referred the bill, entitled "An act authorising the commissioners of highways of the towns of Marbletown and Rosendale, in the county of Ulster, to complete laying out and to open a certain road in said towns," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Campbell, from the select committee, to which was referred the bill entitled "An act to prevent the throwing of offal and other filthy substances in the streets of the city of New-York," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Roblee from the select committee to which was referred the engrossed bill from the Senate, entitled "An act authorising a loan from the Common School Fund to the county of Orleans," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Skeel, from the select committee, to which was referred the bill entitled "An act to provide for the construction of a plank road from the village of Homer to the village of Cortlandville," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. B. Thompson, from the select committee, to which was referred the bill entitled "An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Rose from the select committee to which was referred the bill entitled "An act to regulate the eel-fishery in the waters of the Mecox bay in the town of Southampton, in the county of Suffolk," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. L. Ward Smith, from the select committee, to which was referred the petition of sundry citizens of Buffalo, for a law to secure the pay of laborers employed on the state works, reported, and asked to be discharged from the further consideration of said petition, and that the same be referred to the committee of the whole when on the bill upon that subject.

Mr. Harmon, from the select committee, to which was referred the bill entitled "An act to amend an act to require superintendents of the poor to give bonds, passed April 12, 1848," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment.

Mr. Bagley moved to recommit said bill to the same select committee with instructions to amend the bill so as to require county treasurers to give bonds.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Bagley, and it was determined in the affirmative.

Mr. Goff, from the select committee to which was referred the bill entitled "An act to release the interest of the state in certain lands of which David Darrah died possessed to Susan Darrah his wife," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Ward from the select committee to which was referred the bill entitled "An act authorising the appraisal and payment of canal damages to Perkins E. Hayes," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Picket from the select committee to which was referred the bill entitled "An act to require the town of Norfolk to pay the town of Louisville certain school monies," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagley from the select committee to which was referred the bill entitled "An act to confirm the official acts of Jesse Rosecrants a justice of the peace of the town of Candor," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Mowry from the select committee, to which was referred the bill entitled "An act to authorise the loan commissioners of the county of Washington to transcribe certain records in said county," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, and altered the title so as to read "An act to authorise the commissioners of loans of the county of Washington to transcribe certain records in said county," which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Markel from the select committee to which was referred the bill entitled "An act to confirm the official acts of Horace D. Brundage, justice of the peace of the town of Lodi," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. McKinney from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to amend an act, entitled 'An act to incorporate the New-York floating dry dock company,' passed April 18, 1843," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Brinkerhoff from the select committee to which was referred the bill entitled "An act to amend an act to subject monied or stock corporations to assessment for highway labor, passed May 15, 1837," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. W. S. Smith from the select committee to which was referred the bill, entitled "An act to authorise James W. Peck to extend and otherwise improve the old town dock in the town of Flushing," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Richards from the select committee to which was referred the bill, entitled "An act to confirm the official acts of Hiram W. Jackson, of the town of China, as superintendent of common schools," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Kennedy from the select committee to which was referred the bill, entitled "An act to define the boundaries of the towns of Ballston and Clifton Park," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Fitzhugh from the select committee to which was referred the

bill, entitled "An act authorising the supervisors of the county of Oswego to raise money to construct a free bridge over the Oswego river," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Bailey from the select committee to which was referred the bill, entitled "An act to authorise Gilbert Smith to surrender his old stock of the New-York and Erie railroad, and to receive new stock therefor," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for its third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
Albany, March 6, 1849. }

TO THE ASSEMBLY:

I have this day approved and signed the bills entitled as follows, to wit :

"An act respecting highways in the town of Prattsburgh."

"An act to divide the town of Shandaken and to erect the town of Denning, in the county of Ulster."

"An act further to amend 'An act to incorporate the Buffalo and Hamburg Turnpike Company,' passed January 23, 1830."

"An act to authorise the trustees of school district No. 1, in the town of German Flatts, to borrow money to build a school house."

"An act to pay John Ferris for the loss of a horse while acting in obedience to the direction of the sheriff of the county of Delaware."

"An act authorising the construction of a canal in the city of Brooklyn, for drainage and for other purposes."

"An act to amend 'An act relating to the New-York and Harlem Railroad company,' passed May 7, 1840, and the acts amending the same."

"An act to designate the time of holding courts of sessions in the county of Albany."

"An act authorising the supervisor and any two justices of the peace of the town of Southampton in the county of Suffolk, to appoint a collector of taxes for said town."

"An act to extend the time for the collection of taxes in the town of Bethlehem, in the county of Albany."

"An act to declare the public use of a railroad from Auburn to Binghamton."

HAMILTON FISH.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
 Albany, March 7, 1849. }

**TO THE ASSEMBLY :**

I have this day approved and signed the bill, entitled as follows, to wit :

"An act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose."

**HAMILTON FISH.**

A message from the Senate was received and read, informing that they have concurred in the amendment of the House to the bill, entitled "An act authorising the election of a police justice in the village of Poughkeepsie."

*Ordered,* That the Clerk return the said bill to the Senate.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the engrossed bills, entitled "An act to authorise the board of supervisors of Columbia co., to purchase a piece of land," which was read the first time, and by unanimous consent was also read the second time, and referred to the committee on the internal affairs of towns and counties.

"An act to authorise the trustees of the West Point Foundry Association to sell their real estate," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on trade and manufactures.

"An act to incorporate the Syracuse Savings Institution," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

A communication from the Schenectady and Utica and the Albany and Schenectady railroad companies, in answer to a resolution of this House of Feb. 26, relative to contracts with steamboat companies on the Hudson, for the transportation of emigrants over the said railroads, was received and referred to the committee on railroads.

(*See Doc. No. 143.*)

On motion of Mr. Willard,

The House then proceed to the consideration of the bill entitled "An act to erect the town of Shongo from the towns of Independence and Scio, in the county of Allegany."

And the question being whether the House would reconsider its vote on the final passage of said bill,

Mr. Speaker put the question whether the House would agree to reconsider its vote on the final passage of said bill, and it was determined in the affirmative.

Mr. Hale moved said bill be recommitted to a committee of the whole.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Hale, and it was determined in the negative.

The said bill was then again read.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 80 }  
{ NAYS 07 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Pruyn
Mr. Averill	Mr. L. M. Gilbert	Mr. Quackenboss
Mr. Bagley	Mr. Glass	Mr. Raynor
Mr. Bailey	Mr. Goddard	Mr. Richards
Mr. Beekman	Mr. Goff	Mr. A. Robertson
Mr. Bellinger	Mr. Gove	Mr. W. H. Robertson
Mr. Boardman	Mr. Graham	Mr. Rose
Mr. Boyce	Mr. Green	Mr. Rounseville
Mr. Brinkerhoff	Mr. Guernsey	Mr. Sexton
Mr. Budd	Mr. Hall	Mr. Skeel
Mr. Bull	Mr. Hart	Mr. L. Ward Smith
Mr. Bush	Mr. A. Johnson	Mr. W. S. Smith
Mr. W. Butts	Mr. M. Johnson	Mr. Terry
Mr. Campbell	Mr. Kelsey	Mr. B. Thompson
Mr. Carver	Mr. Kennedy	Mr. H. C. Tuthill
Mr. Crispell	Mr. Kidd	Mr. Van Auken
Mr. Crittenden	Mr. McKinney	Mr. Van Orden
Mr. Cross	Mr. McLean	Mr. Varnum
Mr. Curtis	Mr. McNeal	Mr. White
Mr. Danforth	Mr. Maine	Mr. Whittaker
Mr. Disosway	Mr. Markel	Mr. Willard
Mr. Dodge	Mr. Mersereau	Mr. Wilcox
Mr. Elderkin	Mr. Miller	Mr. Wing
Mr. Fish	Mr. Mowry	Mr. Wisewell
Mr. Fiske	Mr. Pardee	Mr. Woodruff
Mr. Fitzhugh	Mr. Pease	Mr. Young
Mr. Gates	Mr. Porter	

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Those who voted in the negative are,

Mr. Brewer	Mr. Hale	Mr. Picket
Mr. Buiton	Mr. Harmon	Mr. Slocum
Mr. Culbert		

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Ordered, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act to incorporate the Genesee Wesleyan Seminary, passed May 1, 1834," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirma-

tive, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 85 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. Pardee
Mr. Averill	Mr. Gates	Mr. Pease
Mr. Bagley	Mr. A. Gilbert	Mr. Picket
Mr. Bailey	Mr. L. M. Gilbert	Mr. Porter
Mr. Barber	Mr. Glass	Mr. Raynor
Mr. Beekman	Mr. Goddard	Mr. Richards
Mr. Bellinger	Mr. Goff	Mr. Roblee
Mr. Boardman	Mr. Gove	Mr. A. Robertson
Mr. Bowen	Mr. Graham	Mr. W. H. Robertson
Mr. Boyce	Mr. Green	Mr. Rounseville
Mr. Brinkerhoff	Mr. Guernsey	Mr. Sexton
Mr. Brewer	Mr. Hale	Mr. W. S. Smith
Mr. Budd	Mr. Hall	Mr. Terry
Mr. Bull	Mr. Harmon	Mr. B. Thompson
Mr. Bush	Mr. Hart	Mr. J. E. Thompson
Mr. Button	Mr. Hoyt	Mr. H. C. Tuthill
Mr. W. Butts	Mr. A. Johnson	Mr. Van Auken
Mr. Campbell	Mr. M. Johnson	Mr. Van Orden
Mr. Carver	Mr. Kelsey	Mr. Varnum
Mr. Crispell	Mr. Kennedy	Mr. Ward
Mr. Crittenden	Mr. Kidd	Mr. Wheaton
Mr. Cross	Mr. McKinney	Mr. White
Mr. Culbert	Mr. McLean	Mr. Whittaker
Mr. Curtis	Mr. McNeal	Mr. Willard
Mr. Danforth	Mr. Maine	Mr. Wilcox
Mr. Disosway	Mr. Mersereau	Mr. Wisewell
Mr. Dodge	Mr. Miller	Mr. Woodruff
Mr. Elderkin	Mr. Mowry	Mr. Young
Mr. Fish		

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*Ordered*, That the Clerk deliver the said resolution to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to authorise Gilbert Smith to surrender his old stock of the New-York and Erie railroad, and to receive new stock therefor," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. A. Gilbert	Mr. Porter
Mr. Bagley	Mr. L. M. Gilbert	Mr. Quackenboss
Mr. Bailey	Mr. Glass	Mr. Raynor
Mr. Barber	Mr. Goddard	Mr. Richards
Mr. Beekman	Mr. Goff	Mr. Roblee
Mr. Bellinger	Mr. Gove	Mr. A. Robertson
Mr. Boardman	Mr. Graham	Mr. W. H. Robertson
Mr. Boughton	Mr. Green	Mr. Rose
Mr. Bowen	Mr. Guernsey	Mr. Rounseville
Mr. Boyce	Mr. Hale	Mr. Sexton
Mr. Brinkerhoff	Mr. Hall	Mr. Skeel
Mr. Brewer	Mr. Harmon	Mr. W. S. Smith
Mr. Budd	Mr. Hart	Mr. Terry
Mr. Bull	Mr. Hoyt	Mr. B. Thompson
Mr. Bush	Mr. A. Johnson	Mr. J. E. Thompson
Mr. Button	Mr. M. Johnson	Mr. H. C. Tuthill
Mr. W. Butts	Mr. Kelsey	Mr. Van Auken
Mr. Campbell	Mr. Kennedy	Mr. Van Orden
Mr. Carver	Mr. Kild	Mr. Varnum
Mr. Crispell	Mr. McKinney	Mr. Vincent
Mr. Crittenden	Mr. McLean	Mr. Ward
Mr. Cross	Mr. McNeal	Mr. Wheaton
Mr. Culbert	Mr. Mersereau	Mr. White
Mr. Curtis	Mr. Miller	Mr. Whittaker
Mr. Danforth	Mr. Mowry	Mr. Willard
Mr. Dodge	Mr. Nash	Mr. Wilcox
Mr. Elderkin	Mr. Pardee	Mr. Wisewell
Mr. Fish	Mr. Pease	Mr. Woodruff
Mr. Fitzhugh	Mr. Picket	Mr. Young
Mr. Gates		

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*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate entitled "An act authorising a loan from the common school fund to the county of Orleans," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Porter
Mr. Averill	Mr. A. Gilbert	Mr. Pruyn
Mr. Bagley	Mr. L. M. Gilbert	Mr. Quackenboss



Mr. Bailey	Mr. Glass	Mr. Raynor
Mr. Barber	Mr. Goddard	Mr. Richards
Mr. Beekman	Mr. Goff	Mr. Roblee
Mr. Bellinger	Mr. Gove	Mr. A. Robertson
Mr. Boardman	Mr. Graham	Mr. W. H. Robertson
Mr. Boughton	Mr. Green	Mr. Rose
Mr. Bowen	Mr. Guernsey	Mr. Rounseville
Mr. Boyce	Mr. Hale	Mr. Sexton
Mr. Brinkerhoff	Mr. Hall	Mr. Skeel
Mr. Brewer	Mr. Harmon	Mr. W. S. Smith
Mr. Budd	Mr. Hart	Mr. Terry
Mr. Bull	Mr. Hoyt	Mr. B. Thompson
Mr. Bush	Mr. A. Johnson	Mr. J. E. Thompson
Mr. Button	Mr. M. Johnson	Mr. H. C. Tuthill
Mr. W. Butts	Mr. Kelsey	Mr. Van Auken
Mr. Campbell	Mr. Kennedy	Mr. Van Orden
Mr. Carver	Mr. Kidd	Mr. Varnum
Mr. Crispell	Mr. McKinney	Mr. Vincent
Mr. Crittenden	Mr. McLean	Mr. Ward
Mr. Cross	Mr. McNeal	Mr. Wheaton
Mr. Culbert	Mr. Maine	Mr. White
Mr. Curtis	Mr. Mersereau	Mr. Whittaker
Mr. Danforth	Mr. Miller	Mr. Willard
Mr. Dodge	Mr. Mowry	Mr. Wilcox
Mr. Elderkin	Mr. Nash	Mr. Wing
Mr. Fish	Mr. Pardee	Mr. Wisewell
Mr. Fiske	Mr. Pease	Mr. Woodruff
Mr. Fitzhugh	Mr. Picket	Mr. Young

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have concurred in said amendments, and amended the same accordingly.

The engrossed bill entitled "An act to authorise James Peck to extend and otherwise improve the old town dock in the town of Flushing," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gates	Mr. Pruyn
Mr. Averill	Mr. A. Gilbert	Mr. Quackenboss
Mr. Bagley	Mr. L. M. Gilbert	Mr. Raynor
Mr. Bailey	Mr. Glass	Mr. Richards
Mr. Barber	Mr. Goddard	Mr. Roblee
Mr. Beekman	Mr. Gove	Mr. A. Robertson
Mr. Bellinger	Mr. Graham	Mr. W. H. Robertson

Mr. Boardman	Mr. Green	Mr. Rose
Mr. Boughton	Mr. Guernsey	Mr. Rounseville
Mr. Bowen	Mr. Hale	Mr. Sexton
Mr. Boyce	Mr. Hall	Mr. Skeel
Mr. Brinkerhoff	Mr. Harmon	Mr. W. S. Smith
Mr. Brewer	Mr. Hart	Mr. Terry
Mr. Budd	Mr. Hoyt	Mr. B. Thompson
Mr. Bull	Mr. A. Johnson	Mr. H. C. Tuthill
Mr. Bush	Mr. M. Johnson	Mr. Van Auken
Mr. W. Butts	Mr. Kelsey	Mr. Van Orden
Mr. Campbell	Mr. Kennedy	Mr. Varnum
Mr. Carver	Mr. Kidd	Mr. Vincent
Mr. Crispell	Mr. McKinney	Mr. Ward
Mr. Crittenden	Mr. McLean	Mr. Wheaton
Mr. Cross	Mr. Maine	Mr. White
Mr. Culbert	Mr. Mersereau	Mr. Whittaker
Mr. Curtis	Mr. Miller	Mr. Willard
Mr. Danforth	Mr. Mowry	Mr. Wilcox
Mr. Dodge	Mr. Nash	Mr. Wing
Mr. Elderkin	Mr. Pardee	Mr. Wisewell
Mr. Fish	Mr. Pease	Mr. Woodruff
Mr. Fiske	Mr. Picket	Mr. Young
Mr. Fitzhugh	Mr. Porter	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act authorising the supervisors of the county of Oswego to raise money to construct a free bridge over the Oswego river," was read a third time.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 90 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Porter
Mr. H. J. Allen	Mr. Fitzhugh	Mr. Pruyn
Mr. Averill	Mr. Gates	Mr. Quackenboss.
Mr. Bagley	Mr. A. Gilbert	Mr. Raynor
Mr. Bailey	Mr. L. M. Gilbert	Mr. Richards
Mr. Barber	Mr. Glass	Mr. Roblee
Mr. Beekman	Mr. Goddard	Mr. A. Robertson
Mr. Bellinger	Mr. Goff	Mr. W. H. Robertson
Mr. Boardman	Mr. Gove	Mr. Rose
Mr. Bowen	Mr. Graham	Mr. Rounseville
Mr. Boyce	Mr. Green	Mr. Sexton
Mr. Brinkerhoff	Mr. Guernsey	Mr. Skeel
Mr. Brewer	Mr. Hale	Mr. W. S. Smith

Mr. Budd	Mr. Hall	Mr. Terry
Mr. Bull	Mr. Harmon	Mr. B. Thompson
Mr. Bush	Mr. Hart	Mr. J. E. Thompson
Mr. W. Butts	Mr. Hoyt	Mr. H. C. Tuthill
Mr. Campbell	Mr. A. Johnson	Mr. Van Auken
Mr. Carver	Mr. M. Johnson	Mr. Van Orden
Mr. Cornell	Mr. Kelsey	Mr. Varnum
Mr. Crispell	Mr. Kennedy	Mr. Vincent
Mr. Crittenden	Mr. Kidd	Mr. Ward
Mr. Cross	Mr. McKinney	Mr. Wheaton
Mr. Culbert	Mr. McLean	Mr. White
Mr. Curtis	Mr. Maine	Mr. Whittaker
Mr. Danforth	Mr. Markel	Mr. Willard
Mr. Disosway	Mr. Miller	Mr. Wilcox
Mr. Dodge	Mr. Mowry	Mr. Wisewell
Mr. Elderkin	Mr. Pease	Mr. Woodruff
Mr. Fish	Mr. Picket	Mr. Young

90

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to enable the village of Williamsburgh to improve a part of the Williamsburgh and Jamaica turnpike as a village street," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 95 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Picket
Mr. H. J. Allen	Mr. Fitzhugh	Mr. Porter
Mr. Averill	Mr. Gates	Mr. Pruyn
Mr. Bagley	Mr. A. Gilbert	Mr. Quackenboss
Mr. Bailey	Mr. L. M. Gilbert	Mr. Raynor
Mr. Barber	Mr. Glass	Mr. Richards
Mr. Beekman	Mr. Goddard	Mr. Roblee
Mr. Bellinger	Mr. Goff	Mr. A. Robertson
Mr. Boardman	Mr. Gove	Mr. W. H. Robertson
Mr. Boughton	Mr. Graham	Mr. Rose
Mr. Bowen	Mr. Green	Mr. Rounseville
Mr. Boyce	Mr. Guernsey	Mr. Sexton
Mr. Brinkerhoff	Mr. Hale	Mr. Skeel
Mr. Brewer	Mr. Hall	Mr. W. S. Smith
Mr. Budd	Mr. Harmon	Mr. Terry
Mr. Bull	Mr. Hart	Mr. B. Thompson
Mr. Bush	Mr. Hoyt	Mr. J. E. Thompson

Mr. Button	Mr. A. Johnson	Mr. H. C. Tuthill
Mr. W. Butts	Mr. M. Johnson	Mr. Van Auken
Mr. Campbell	Mr. Kelsey	Mr. Van Orden
Mr. Carver	Mr. Kennedy	Mr. Varnum
Mr. Cornell	Mr. Kidd	Mr. Vincent
Mr. Crispell	Mr. McKinney	Mr. Ward
Mr. Crittenden	Mr. McLean	Mr. Wheaton
Mr. Cross	Mr. McNeal	Mr. White
Mr. Culbert	Mr. Maine	Mr. Whittaker
Mr. Curtis	Mr. Mersereau	Mr. Willard
Mr. Danforth	Mr. Miller	Mr. Wilcox
Mr. Disosway	Mr. Mowry	Mr. Wisewell
Mr. Dodge	Mr. Nash	Mr. Woodruff
Mr. Elderkin	Mr. Pardee	Mr. Yang
Mr. Fish	Mr. Pease	

95

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to amend an act to incorporate the Brooklyn city hospital, passed May 8, 1845," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. Pruyn
Mr. H. J. Allen	Mr. Gates	Mr. Quackenboss
Mr. Averill	Mr. A. Gilbert	Mr. Raynor
Mr. Bagley	Mr. L. M. Gilbert	Mr. Richards
Mr. Bailey	Mr. Glass	Mr. Roblee
Mr. Barber	Mr. Goddard	Mr. A. Robertson
Mr. Beekman	Mr. Gove	Mr. W. H. Robertson
Mr. Bellinger	Mr. Graham	Mr. Rose
Mr. Boardman	Mr. Green	Mr. Rouseville
Mr. Boughton	Mr. Guernsey	Mr. Sexton
Mr. Bowen	Mr. Hale	Mr. Skeel
Mr. Boyce	Mr. Hall	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Harmon	Mr. W. S. Smith
Mr. Brewer	Mr. Hart	Mr. Terry
Mr. Budd	Mr. Hoyt	Mr. B. Thompson
Mr. Bull	Mr. A. Johnson	Mr. J. E. Thompson
Mr. Bush	Mr. M. Johnson	Mr. H. C. Tuthill
Mr. W. Butts	Mr. Kelsey	Mr. Van Auken
Mr. Campbell	Mr. Kennedy	Mr. Van Orden
Mr. Carver	Mr. Kidd	Mr. Varnum
Mr. Cornell	Mr. McKinney	Mr. Vincent

Mr. Crispell	Mr. McLean	Mr. Ward
Mr. Crittenden	Mr. McNeal	Mr. Wheaton
Mr. Cross	Mr. Maine	Mr. White
Mr. Culbert	Mr. Mersereau	Mr. Whittaker
Mr. Curtis	Mr. Miller	Mr. Willard
Mr. Disosway	Mr. Mowry	Mr. Wilcox
Mr. Dodge	Mr. Nash	Mr. Wing
Mr. Elderkin	Mr. Pardee	Mr. Wisewell
Mr. Fish	Mr. Picket	Mr. Woodruff
Mr. Fiske	Mr. Porter	Mr. Young

93

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to incorporate the Saint Vincents Orphan Asylum Society in the city of Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 94 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Picket
Mr. H. J. Allen	Mr. Fitzhugh	Mr. Porter
Mr. Averill	Mr. Gates	Mr. Pruyn
Mr. Bagley	Mr. A. Gilbert	Mr. Quackenboss
Mr. Bailey	Mr. L. M. Gilbert	Mr. Raynor
Mr. Barber	Mr. Glass	Mr. Richards
Mr. Beekman	Mr. Goddard	Mr. Roblee
Mr. Bellinger	Mr. Gove	Mr. A. Robertson
Mr. Boardman	Mr. Graham	Mr. W. H. Robertson
Mr. Boughton	Mr. Green	Mr. Rose
Mr. Bowen	Mr. Guernsey	Mr. Rounseville
Mr. Boyce	Mr. Hale	Mr. Sexton
Mr. Brinkerhoff	Mr. Hall	Mr. Skeel
Mr. Brewer	Mr. Harmon	Mr. Terry
Mr. Budd	Mr. Hart	Mr. B. Thompson
Mr. Bull	Mr. Hoyt	Mt. J. E. Thompson
Mr. Bush	Mr. A. Johnson	Mr. H. C. Tuthill
Mr. Button	Mr. M. Johnson	Mr. Van Auken
Mr. W. Butts	Mr. Kelsey	Mr. Van Orden
Mr. Campbell	Mr. Kennedy	Mr. Varnum
Mr. Carver	Mr. Kidd	Mr. Vincent
Mr. Cornell	Mr. McKinney	Mr. Ward
Mr. Crispell	Mr. McLean	Mr. Wheaton
Mr. Crittenden	Mr. McNeal	Mr. White
Mr. Cross	Mr. Maine	Mr. Whittaker
Mr. Culbert	Mr. Mersereau	Mr. Willard

Mr. Curtis  
Mr. Danforth  
Mr. Disosway  
Mr. Dodge  
Mr. Elderkin  
Mr. Fish

Mr. Miller  
Mr. Mowry  
Mr. Nash  
Mr. Pardee  
Mr. Pease

Mr. Wilcox  
Mr. Wing  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

94

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate entitled "An act to authorise the Comptroller to issue registered notes in lieu of unregistered ones in certain cases," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Barber  
Mr. Beekman  
Mr. Bellingher  
Mr. Boardman  
Mr. Boughton  
Mr. Bowen  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. W. Butts  
Mr. Campbell  
Mr. Carver  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Curtis  
Mr. Danforth

Mr. Fitzhugh  
Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Graham  
Mr. Green  
Mr. Guernsey  
Mr. Hale  
Mr. Hall  
Mr. Harmon  
Mr. Hart  
Mr. Hoyt  
Mr. A. Johnson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. McKinney  
Mr. McLean  
Mr. McNeal  
Mr. Maine  
Mr. Mersereau  
Mr. Miller  
Mr. Mowry  
Mr. Nash  
Mr. Pardee

Mr. Pruyn  
Mr. Quackenboss  
Mr. Raynor  
Mr. Richards  
Mr. Roblee  
Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rose  
Mr. Rounseville  
Mr. Sexton  
Mr. Skeel  
Mr. Slocum  
Mr. Terry  
Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. H. C. Tuthill  
Mr. Van Auken  
Mr. Van Orden  
Mr. Varnum  
Mr. Vincent  
Mr. Ward  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Willard  
Mr. Wilcox  
Mr. Wing  
Mr. Wisewell

Mr. Disosway  
Mr. Elderkin  
Mr. Fiske

Mr. Pease  
Mr. Picket  
Mr. Porter

Mr. Woodruff  
Mr. Young

92

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to enable the mayor, aldermen and commonalty of the city of New-York to extend the Croton water works," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Barber  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Boughton  
Mr. Bowen  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. W. Butts  
Mr. Campbell  
Mr. Carver  
Mr. Cornell  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Culbert  
Mr. Curtis  
Mr. Danforth  
Mr. Disosway  
Mr. Dodge  
Mr. Elderkin

Mr. Fish  
Mr. Fiske  
Mr. Fitzhugh  
Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Graham  
Mr. Green  
Mr. Guernsey  
Mr. Hall  
Mr. Harmon  
Mr. Hart  
Mr. A. Johnson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. McKinney  
Mr. McLean  
Mr. McNeal  
Mr. Maine  
Mr. Mersereau  
Mr. Miller  
Mr. Mowry  
Mr. Nash  
Mr. Pardee  
Mr. Pease  
Mr. Picket  
Mr. Porter

Mr. Pruyn  
Mr. Quackenboss  
Mr. Raynor  
Mr. Richards  
Mr. Roblee  
Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rose  
Mr. Rounseville  
Mr. Sexton  
Mr. Skeel  
Mr. Slocum  
Mr. W. S. Smith  
Mr. Terry  
Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. H. C. Tuthill  
Mr. Van Auken  
Mr. Van Orden  
Mr. Varnum  
Mr. Vincent  
Mr. Ward  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Willard  
Mr. Wilcox  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

92

*Ordered*, That the Clerk deliver the said resolution to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to prevent the throwing of offal and other filthy substances in the streets of the city of New-York," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 90 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fish	Mr. Picket
Mr. H. J. Allen	Mr. Fiske	Mr. Porter
Mr. Averill	Mr. Fitzhugh	Mr. Quackenboss
Mr. Bagley	Mr. Gates	Mr. Raynor
Mr. Bailey	Mr. A. Gilbert	Mr. Richards
Mr. Barber	Mr. L. M. Gilbert	Mr. Roblee
Mr. Beekman	Mr. Glass	Mr. A. Robertson
Mr. Bellinger	Mr. Goddard	Mr. W. H. Robertson
Mr. Boardman	Mr. Graham	Mr. Rose
Mr. Boughton	Mr. Green	Mr. Sexton
Mr. Bowen	Mr. Guernsey	Mr. Skeel
Mr. Brinkerhoff	Mr. Hale	Mr. Slocum
Mr. Brewer	Mr. Hall	Mr. L. Ward Smith
Mr. Budd	Mr. Harmon	Mr. W. S. Smith
Mr. Bull	Mr. Hart	Mr. Terry
Mr. Bush	Mr. Hoyt	Mr. B. Thompson
Mr. Button	Mr. A. Johnson	Mr. H. C. Tuthill
Mr. W. Butts	Mr. M. Johnson	Mr. Van Auken
Mr. Campbell	Mr. Kelsey	Mr. Van Orden
Mr. Carver	Mr. Kennedy	Mr. Varnum
Mr. Cornell	Mr. Kidd	Mr. Vincent
Mr. Crispell	Mr. McKinney	Mr. Ward
Mr. Crittenden	Mr. McLean	Mr. Wheaton
Mr. Cross	Mr. McNeal	Mr. White
Mr. Culbert	Mr. Maine	Mr. Whittaker
Mr. Curtis	Mr. Mersereau	Mr. Willard
Mr. Danforth	Mr. Miller	Mr. Wilcox
Mr. Disoway	Mr. Mowry	Mr. Wisewell
Mr. Dodge	Mr. Nash	Mr. Woodruff
Mr. Elderkin	Mr. Pease	Mr. Young

90

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act authorizing the commissioners of highways of the towns of Marbletown and Rosendale, in the county of Ulster, to complete laying out, and to open a certain road in said towns," was read a third time.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 90 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. Pruyn
Mr. H. J. Allen	Mr. Gates	Mr. Quackenboss
Mr. Averill	Mr. A. Gilbert	Mr. Raynor
Mr. Bagley	Mr. L. M. Gilbert	Mr. Richards
Mr. Bailey	Mr. Glass	Mr. Roblee
Mr. Barber	Mr. Goddard	Mr. A. Robertson
Mr. Beekman	Mr. Graham	Mr. W. H. Robertson
Mr. Bellinger	Mr. Green	Mr. Rose
Mr. Boardman	Mr. Hale	Mr. Sexton
Mr. Boughton	Mr. Hall	Mr. Skeel
Mr. Bowen	Mr. Harmon	Mr. Slocum
Mr. Boyce	Mr. Hart	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Hoyt	Mr. Terry
Mr. Budd	Mr. A. Johnson	Mr. B. Thompson
Mr. Button	Mr. M. Johnson	Mr. J. E. Thompson
Mr. W. Butts	Mr. Kelsey	Mr. H. C. Tuthill
Mr. Campbell	Mr. Kennedy	Mr. Van Auken
Mr. Carver	Mr. Kidd	Mr. Van Orden
Mr. Cornell	Mr. McKinney	Mr. Varnum
Mr. Crispell	Mr. McLean	Mr. Vincent
Mr. Crittenden	Mr. McNeal	Mr. Ward
Mr. Cross	Mr. Maine	Mr. Wheaton
Mr. Culbert	Mr. Mersereau	Mr. White
Mr. Curtis	Mr. Miller	Mr. Whittaker
Mr. Danforth	Mr. Mowry	Mr. Willard
Mr. Disosway	Mr. Nash	Mr. Wilcox
Mr. Dodge	Mr. Paidee	Mr. Wing
Mr. Elderkin	Mr. Pease	Mr. Wisewell
Mr. Fish	Mr. Picket	Mr. Woodruff
Mr. Fiske	Mr. Porter	Mr. Young

90

*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act for the removal of the Hallenbake burying ground, situate in the city of Albany," was read a third time.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. Pruyn
Mr. H. J. Allen	Mr. Gates	Mr. Quackenboss
Mr. Averill	Mr. A. Gilbert	Mr. Raynor
Mr. Bagley	Mr. L. M. Gilbert	Mr. Richards
Mr. Bailey	Mr. Glass	Mr. Roblee
Mr. Barber	Mr. Goddard	Mr. A. Robertson
Mr. Beekman	Mr. Graham	Mr. W. H. Robertson
Mr. Bellinger	Mr. Green	Mr. Rose
Mr. Boardman	Mr. Guernsey	Mr. Rounseville
Mr. Boughton	Mr. Hale	Mr. Sexton
Mr. Bowen	Mr. Hall	Mr. Skeel
Mr. Boyce	Mr. Harmon	Mr. Slocum
Mr. Brinkerhoff	Mr. Hart	Mr. L. Ward Smith
Mr. Brewer	Mr. Hoyt	Mr. Terry
Mr. Budd	Mr. Hudson	Mr. B. Thompson
Mr. Button	Mr. A. Johnson	Mr. J. E. Thompson
Mr. W. Butts	Mr. M. Johnson	Mr. H. C. Tutbill
Mr. Campbell	Mr. Kelsey	Mr. Van Auken
Mr. Carver	Mr. Kennedy	Mr. Van Orden
Mr. Cornell	Mr. Kidd	Mr. Varnum
Mr. Crispell	Mr. McKinney	Mr. Vincent
Mr. Crittenden	Mr. McLean	Mr. Ward
Mr. Cross	Mr. McNeal	Mr. Wheaton
Mr. Culbert	Mr. Maine	Mr. White
Mr. Curtis	Mr. Miller	Mr. Whittaker
Mr. Danforth	Mr. Mowry	Mr. Willard
Mr. Disosway	Mr. Nash	Mr. Wilcox
Mr. Dodge	Mr. Pardee	Mr. Wing
Mr. Elderkin	Mr. Pease	Mr. Wisewell
Mr. Fish	Mr. Picket	Mr. Woodruff
Mr. Fiske	Mr. Porter	Mr. Young

93

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to regulate the eel-fishery in the waters of the Mecox bay, in the town of Southampton, in the county of Suffolk," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 78 }  
{ NAYS 04 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Fiske	Mr. Nash
Mr. Averill	Mr. Fitzhugh	Mr. Pease

Mr. Bagley	Mr. Gates	Mr. Picket
Mr. Bailey	Mr. A. Gilbert	Mr. Porter
Mr. Barber	Mr. L. M. Gilbert	Mr. Pruyn
Mr. Beekman	Mr. Glass	Mr. Quackenboss
Mr. Bellinger	Mr. Goddard	Mr. Raynor
Mr. Boardman	Mr. Graham	Mr. Richards
Mr. Boughton	Mr. Green	Mr. W. H. Robertson
Mr. Bowen	Mr. Guernsey	Mr. Rose
Mr. Boyce	Mr. Hale	Mr. Sexton
Mr. Brinkerhoff	Mr. Hall	Mr. Skeel
Mr. Brewer	Mr. Harmon	Mr. L. Ward Smith
Mr. Budd	Mr. Hoyt	Mr. Terry
Mr. Button	Mr. Hudson	Mr. B. Thompson
Mr. W. Butts	Mr. A. Johnson	Mr. J. E. Thompson
Mr. Campbell	Mr. M. Johnson	Mr. Van Auken
Mr. Carver	Mr. Kelsey	Mr. Varnum
Mr. Crispell	Mr. Kennedy	Mr. Vincent
Mr. Cross	Mr. Kidd	Mr. Ward
Mr. Culbert	Mr. McKinney	Mr. Wheaton
Mr. Curtis	Mr. McLean	Mr. White
Mr. Danforth	Mr. McNeal	Mr. Willard
Mr. Disosway	Mr. Markel	Mr. Wilcox
Mr. Dodge	Mr. Miller	Mr. Wisewell
Mr. Elderkin	Mr. Mowry	Mr. Young

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. H. C. Tuthill	Mr. Van Orden
Mr. Hart		

4

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to confirm the official acts of Hiram W. Jackson of the town of China, as superintendent of common schools," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 83 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Raynor
Mr. H. J. Allen	Mr. Goddard	Mr. Richards
Mr. Averill	Mr. Graham	Mr. Roblee
Mr. Bagley	Mr. Green	Mr. A. Robertson
Mr. Bailey	Mr. Guernsey	Mr. W. H. Robertson
Mr. Barber	Mr. Hale	Mr. Rose
Mr. Beekman	Mr. Hall	Mr. Rounseville

Mr. Bowen	Mr. Harmon	Mr. Sexton
Mr. Brewer	Mr. Hart	Mr. Skeel
Mr. Budd	Mr. Hoyt	Mr. Slocum
Mr. Button	Mr. Hudson	Mr. L. Ward Smith
Mr. W. Butts	Mr. A. Johnson	Mr. Terry
Mr. Campbell	Mr. M. Johnson	Mr. B. Thompson
Mr. Carver	Mr. Kelsey	Mr. J. E. Thompson
Mr. Cornell	Mr. Kennedy	Mr. H. C. Tuthill
Mr. Crispell	Mr. Kidd	Mr. Van Auken
Mr. Crittenden	Mr. McKinney	Mr. Van Orden
Mr. Cross	Mr. McLean	Mr. Varnum
Mr. Culbert	Mr. McNeal	Mr. Vincent
Mr. Curtis	Mr. Miller	Mr. Ward
Mr. Danforth	Mr. Mowry	Mr. Wheaton
Mr. Disosway	Mr. Nash	Mr. White
Mr. Dodge	Mr. Pardee	Mr. Whittaker
Mr. Elderkin	Mr. Pease	Mr. Willard
Mr. Fitzhugh	Mr. Picket	Mr. Wilcox
Mr. Gates	Mr. Porter	Mr. Wisewell
Mr. A. Gilbert	Mr. Pruyn	Mr. Yang
Mr. L. M. Gilbert	Mr. Quackenboss	

83

*Ordered,* That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

In pursuance of previous notice, Mr. Bowen asked and obtained leave to introduce a bill, entitled "An act to amend an act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed for that purpose," which was read the first time and by unanimous consent was also read a second time, and referred to a select committee consisting of the New-York delegation.

On motion of Mr. Varnum,

*Resolved,* That "An act to declare the public utility of a railroad from Buffalo to Hornellsville," be referred to the committee of the whole having in charge "An act to amend the charter of the Attica and Hornellsville Railroad company."

Mr. Fitzhugh offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved,* (if the Senate concur,) That Lieutenant John P. Hatch, by his gallant bearing in the service of his country has reflected credit and honor on this his native State, and is entitled to the thanks of her people, which are hereby tendered him, and that in token of their estimation of his worth as a soldier and a man, the Governor be requested to procure a gold medal with an appropriate device and present the same to Lieutenant Hatch in the name of the people of this State, together with a copy of this resolution.

On motion of Mr. Fitzhugh.

*Ordered,* That the said resolution be referred to the committee on the militia and public defence.

On motion of Mr. Van Orden,

The House proceeded to the consideration of the resolution heretofore offered by him, in the words following, to wit:

*Resolved*, That the committee on colleges, academies and common schools be instructed to inquire into the affairs of the New-York University of the city of New-York, and report the same to this House; and, that the said committee have power to send for persons and papers, but nothing in this resolution shall be construed to give permission to said committee to visit New-York for the purpose of making such inquiry.

On motion of Mr. Van Orden,

*Ordered*, That said resolution be referred to the committee on colleges, academies and common schools.

Mr. Elderkin gave notice that he would at an early day introduce a bill to amend an act passed March 27, 1848, entitled "An act to authorise the formation of railroad corporations."

On motion of Mr. L. Ward Smith,

*Resolved*, That this House will take a recess from 6 o'clock to 7 o'clock this evening, for the purpose of considering the Syracuse and Rochester direct railroad bill, the special order.

On motion of Mr. L. Ward Smith,

*Resolved*, That this House will hold a session on Wednesday evening next at 5 o'clock, to consider the bill pending for the sale of tax lands in counties where located.

Mr. Nash gave notice that he would ask leave at an early day to introduce a bill to legalize the acts of the Baptist church and congregation of the town of Southport and Elmira in Chemung co.

The House then resolved itself into a committee of the whole on the bills, entitled as follows, to wit:

"An act to regulate the hours of labor."

"A act making an appropriation for the support, in part of the Orphan Asylums of the cities of Albany and Troy."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Van Auken from said committee reported progress, and asked leave to sit again.

Mr. Pruyn moved to refer said last mentioned bill to a select committee with instructions to report one or separate bills.

Pending the question thereon,

At 2 o'clock, p. m.,

The House took a recess until 4 o'clock.

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#### FOUR O'CLOCK P. M.

The House again met.

By unanimous consent,

Mr. Beekman from the joint library committee asked and obtained leave to introduce a bill, entitled "An act making appropriations for

the State library, for international exchanges, and for the salary of the secretary of the Regents," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

By unanimous consent,

Mr. Pruyn asked and obtained leave to introduce a bill, entitled "An act in relation to the Schenectady and Troy Railroad State stock," which was read the first time and by unanimous consent was also read the second time.

On motion of Mr. Pruyn,

*Ordered*, That said bill be referred to the committee on ways and means to report complete.

The House then resolved itself into a committee of the whole on the special order of the day, it being the bills entitled as follows:

"An act making appropriations for the Clinton State prison."

"An act in relation to Sing Sing prison,"

"An act in relation to county prisons."

"An act to discontinue the Clinton State prison, and to convert the building used therefor into an asylum for the education and support of idiots."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Johnson from said committee, reported progress, and asked leave to sit again.

Mr. Brewer moved said bills be made the special order for tomorrow at 12 o'clock, m.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Brewer and it was determined in the affirmative.

Mr. White moved that the special order, "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester, on the most direct and eligible route," be postponed until Friday next, at 12 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. White, and it was determined in the negative.

And then at 6 o'clock p. m.,

The House took a recess until 7 o'clock.

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### SEVEN O'CLOCK P. M.

The House again met.

Mr. W. S. Smith acting as Speaker, by appointment, under the 7th rule of the House.

A quorum not being in attendance.

Mr. Campbell moved a call of the House.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Campbell; and it was determined in the affirmative.

The doors were then closed, and the roll being called, the following members answered to their names :

Mr. B. Allen	Mr. Fish	Mr. Perley
Mr. H. J. Allen	Mr. Gates	Mr. Picket
Mr. Bagley	Mr. A. Gilbert	Mr. Raynor
Mr. Bailey	Mr. L. M. Gilbert	Mr. Richards
Mr. Barber	Mr. Glass	Mr. W. H. Robertson
Mr. Beekman	Mr. Goddard	Mr. Rounseville
Mr. Bellinger	Mr. Goff	Mr. Sexton
Mr. Boughton	Mr. Graham	Mr. L. Ward Smith
Mr. Bowen	Mr. Hale	Mr. W. S. Smith
Mr. Brewer	Mr. Harmon	Mr. Taylor
Mr. Budd	Mr. Hudson	Mr. B. Thompson
Mr. Campbell	Mr. M. Johnson	Mr. J. E. Thompson
Mr. Carver	Mr. Kelsey	Mr. Van Orden
Mr. Crispell	Mr. Kennedy	Mr. Varnum
Mr. Cross	Mr. McKinney	Mr. Vincent
Mr. Curtis	Mr. McLean	Mr. Willard
Mr. Dahforth	Mr. Markel	Mr. Young
Mr. Disosway	Mr. Pease	

The following members were either absent on leave or excused by a vote of the House :

Mr. Bogart	Mr. Noble	Mr. Stryker
Mr. L. Butts	Mr. Pierce	Mr. Sweet
Mr. Buxton	Mr. Rockwell	Mr. St. John
Mr. Clark	Mr. Speaker	Mr. Smalley
Mr. Elwood	Mr. Stevens	Mr. A. Tuttle
Mr. Hammond	Mr. Stevenson	Mr. H. C. Tuthill
Mr. Marsh	Mr. Stewart	Mr. Wing
Mr. Moffatt	Mr. Strever	Mr. Woodruff

Mr. Brewer moved that those who were absent without leave and had not been excused, be declared to be in contempt of the House :

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Brewer, and it was determined in the affirmative.

Whereupon, the Sergeant at arms was directed, by the Speaker, to bring the following members, they having been declared to be in contempt, before the bar of the House.

Mr. Averill	Mr. Fox	Mr. Pruyn
Mr. Boardman	Mr. Green	Mr. Quackenboss
Mr. Boyce	Mr. Guernsey	Mr. Roblee
Mr. Brinkerhoff	Mr. Hall	Mr. A. Robertson
Mr. Bull	Mr. Hoyt	Mr. Rose
Mr. Bush	Mr. A. Johnson	Mr. Skeel
Mr. Button	Mr. Leavenworth	Mr. Slocum
Mr. W. Butts	Mr. McNeal	Mr. Terry
Mr. Cornell	Mr. Maine	Mr. Van Auken

Mr. Cu'bert	Mr. Mersereau	Mr. Ward
Mr. Dodge	Mr. Miller	Mr. Wells
Mr. Elderkin	Mr. Mowry	Mr. Wheaton
Mr. Fiske	Mr. Nash	Mr. White
Mr. Fitzhugh	Mr. Pardee	Mr. Whittaker
Mr. Folger	Mr. Porter	Mr. Wisewell

The Sergeant-at-Arms having brought to the bar of the House the following members,

Mr. Pruyn	Mr. Maine	Mr. Quackenboss
Mr. Brinkerhoff	Mr. Cornell	Mr. Rose
Mr. Button	Mr. White	Mr. Mowry
Mr. Terry	Mr. Slocum	Mr. A. Robertson
Mr. Guernsey	Mr. Wheaton	Mr. Leavenworth
Mr. Nash	Mr. Green	Mr. Bull
Mr. A. Johnson	Mr. Hoyt	Mr. Wisewell
Mr. Skeel	Mr. Roblee	Mr. Dodge
Mr. McNeal	Mr. Fox	Mr. Boyce
Mr. Ward	Mr. Elderkin	Mr. Wells
Mr. Wilcox	Mr. Mersereau	

Mr. Speaker informed Mr. Pruyn that upon a call of the roll of the members he was found to be absent, and asked him what excuse he had to render for the non-attendance upon his duties as a member of this House?

To which Mr. Pruyn replied that he had no excuse to offer.

Thereupon,

Mr. Speaker put the question whether the House would agree to excuse Mr. Pruyn, and it was determined in the affirmative.

Mr. Pruyn moved that all further proceedings under the call be suspended.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

{ AYES 38 }  
{ NAYS 20 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Bagley	Mr. L. M. Gilbert	Mr. Picket
Mr. Barber	Mr. Glass	Mr. Pruyn
Mr. Bellinger	Mr. Goff	Mr. Richards
Mr. Boughton	Mr. Gove	Mr. Rounseville
Mr. Bowen	Mr. Hale	Mr. Sexton
Mr. Carver	Mr. Harmon	Mr. L. Ward Smith
Mr. Crispell	Mr. M. Johnson	Mr. B. Thompson
Mr. Crittenden	Mr. Kelsey	Mr. Van Orden
Mr. Curtis	Mr. Kidd	Mr. Varnum
Mr. Danforth	Mr. McKinney	Mr. Wheaton



Mr. Fish	Mr. Markel	Mr. Willard	
Mr. Gates	Mr. Pease	Mr. Young	
Mr. A. Gilbert	Mr. Perley		38

Those who voted in the negative are,

Mr. B. Allen	Mr. Cross	Mr. Nash	
Mr. H. J. Allen	Mr. Disosway	Mr. Raynor	
Mr. Bailey	Mr. Goddard	Mr. W. H. Robertson	
Mr. Beekman	Mr. Graham	Mr. W. S. Smith	
Mr. Brewer	Mr. Hudson	Mr. Taylor	
Mr. Budd	Mr. Kennedy	Mr. Vincent	
Mr. Campbell	Mr. Mowry		20

The doors of the House were then opened, when

Mr. Pruyn moved that the several members who were absent on the call of the House, and who have not been excused, be purged from their contempt.

Mr. J. E. Thompson moved said motion of Mr. Pruyn be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. J. E. Thompson, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

Mr. Cornell moved that Mr. Pruyn take the chair of the Speaker in lieu of the present incumbent.

The chair decided the said motion to be out of order.

Mr. White moved that the member who moved the call of the House, be suspended for one week.

The chair decided the said motion to be out of order.

Mr. Pruyn moved that the clerk be directed to read the journal of this evening relative to the proceedings under the call of the House from the commencement to the time when he was brought to the bar of the House.

The chair decided the said motion to be out of order.

Mr. Speaker then announced the bill entitled "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester, on the most direct and eligible route," when

Mr. Pruyn moved the order of business of "special orders of the day," be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the negative.

{ AYES 32 }  
{ NAYS 53 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Beekman	Mr. Leavenworth	Mr. Skeel
Mr. Brinkerhoff	Mr. McNeal	Mr. Slocum

Mr. Bull	Mr. Maine	Mr. W. S. Smith
Mr. Bush	Mr. Mersereau	Mr. Terry
Mr. Carver	Mr. Mowry	Mr. H. C. Tuthill
Mr. Cornell	Mr. Nash	Mr. Ward
Mr. Goddard	Mr. Pruyn	Mr. White
Mr. Green	Mr. Quackenboss	Mr. Willard
Mr. Guernsey	Mr. Roblee	Mr. Wilcox
Mr. Hoyt	Mr. A. Robertson	Mr. Wisewell
Mr. A. Johnson	Mr. Rose	

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Those who voted in the negative are,

Mr. B. Allen	Mr. Fish	Mr. Markel
Mr. H. J. Allen	Mr. Fitzhugh	Mr. Pease
Mr. Bagley	Mr. Gates	Mr. Perley
Mr. Bailey	Mr. A. Gilbert	Mr. Picket
Mr. Barber	Mr. L. M. Gilbert	Mr. Raynor
Mr. Bellinger	Mr. Goff	Mr. Richards
Mr. Boughton	Mr. Gove	Mr. W. H. Robertson
Mr. Bowen	Mr. Graham	Mr. Rounseville
Mr. Brewer	Mr. Hale	Mr. Sexton
Mr. Budd	Mr. Harmon	Mr. L. Ward Smith
Mr. Button	Mr. Hart	Mr. Taylor
Mr. Campbell	Mr. Hudson	Mr. B. Thompson
Mr. Crispell	Mr. M. Johnson	Mr. J. E. Thompson
Mr. Crittenden	Mr. Kelsey	Mr. Van Orden
Mr. Cross	Mr. Kennedy	Mr. Varnum
Mr. Curtis	Mr. Kidd	Mr. Vincent
Mr. Danforth	Mr. McKinney	Mr. Young
Mr. Disosway	Mr. McLean	

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Mr. Willard moved the House do now adourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Willard, and it was determined in the negative.

{ AYES 42 }  
{ NAYS 47 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Bagley	Mr. Hart	Mr. Sexton
Mr. Bailey	Mr. Hoyt	Mr. Skeel
Mr. Barber	Mr. Kelsey	Mr. Slocum
Mr. Boughton	Mr. McLean	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. McNeal	Mr. Terry
Mr. Bull	Mr. Maine	Mr. B. Thompson
Mr. Cornell	Mr. Mowry	Mr. J. E. Thompson
Mr. Disosway	Mr. Nash	Mr. H. C. Tuthill
Mr. Elderkin	Mr. Pruyn	Mr. Ward
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wells

Mr. Glass	Mr. Raynor	Mr. Wheaton
Mr. Goddard	Mr. Richards	Mr. Willard
Mr. Green	Mr. Roblee	Mr. Wisewell
Mr. Hale	Mr. A. Robertson	Mr. Woodruff

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Those who voted in the negative are,

Mr. B. Allen	Mr. Curtis	Mr. McKinney
Mr. H. J. Allen	Mr. Danforth	Mr. Markel
Mr. Beekman	Mr. Dodge	Mr. Pease
Mr. Bellinger	Mr. Fish	Mr. Perley
Mr. Bowen	Mr. Fitzhugh	Mr. Picket
Mr. Boyce	Mr. Gates	Mr. W. H. Robertson
Mr. Brewer	Mr. A. Gilbert	Mr. Rounseville
Mr. Budd	Mr. Gove	Mr. L. Ward Smith
Mr. Bush	Mr. Graham	Mr. Taylor
Mr. Button	Mr. Guernsey	Mr. Van Orden
Mr. W. Butts	Mr. Harmon	Mr. Varnum
Mr. Campbell	Mr. Hudson	Mr. Vincent
Mr. Carver	Mr. A. Johnson	Mr. White
Mr. Crispell	Mr. M. Johnson	Mr. Wilcox
Mr. Crittenden	Mr. Kennedy	Mr. Young
Mr. Cross	Mr. Kidd	

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Mr. Rose moved that the order of business of "special orders of the day," be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Rose, and it was determined in the negative.

{ AYES 36 }  
{ NAYS 50 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. Beekman	Mr. Guernsey	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Terry
Mr. Bull	Mr. McNeal	Mr. H. C. Tuthill
Mr. Bush	Mr. Maine	Mr. Van Orden
Mr. Button	Mr. Mowry	Mr. Ward
Mr. Cornell	Mr. Nash	Mr. Wells
Mr. Crittenden	Mr. Picket	Mr. Wheaton
Mr. Dodge	Mr. Pruyn	Mr. White
Mr. Elderkin	Mr. Quackenbush	Mr. Willard
Mr. Goddard	Mr. Roblee	Mr. Wilcox
Mr. Gove	Mr. Skeel	Mr. Wisewell
Mr. Green	Mr. Slocum	Mr. Woodruff

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Those who voted in the negative are,

Mr. B. Allen	Mr. Fitzhugh	Mr. Pease
Mr. H. J. Allen	Mr. Gates	Mr. Perley

Mr. Bagley	Mr. A. Gilbert	Mr. Raynor
Mr. Bailey	Mr. L. M. Gilbert	Mr. Richards
Mr. Boughton	Mr. Goff	Mr. A. Robertson
Mr. Bowen	Mr. Graham	Mr. W. H. Robertson
Mr. Boyce	Mr. Hale	Mr. Rose
Mr. Brewer	Mr. Harmon	Mr. Rounseville
Mr. Budd	Mr. Hart	Mr. Sexton
Mr. Campbell	Mr. Hudson	Mr. W. S. Smith
Mr. Carver	Mr. M. Johnson	Mr. Taylor
Mr. Crispell	Mr. Kelsey	Mr. B. Thompson
Mr. Cross	Mr. Kennedy	Mr. J. E. Thompson
Mr. Curtis	Mr. Kild	Mr. Varnum
Mr. Danforth	Mr. McKinney	Mr. Vincent
Mr. Disosway	Mr. McLean	Mr. Young
Mr. Fish	Mr. Markel	

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Mr. L. Ward Smith moved the House do now adjourn.

Mr. Speaker put the question, whether the House would agree to the said motion of Mr. L. Ward Smith, and it was determined in the negative.

{ AYES 46 }  
{ NAYS 46 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Richards
Mr. Bagley	Mr. Goff	Mr. Sexton
Mr. Bailey	Mr. Gove	Mr. Skeel
Mr. Bellinger	Mr. Green	Mr. L. Ward Smith
Mr. Boughton	Mr. Hale	Mr. W. S. Smith
Mr. Bowen	Mr. Harmon	Mr. Taylor
Mr. Brinkerhoff	Mr. Hoyt	Mr. B. Thompson
Mr. W. Butts	Mr. M. Johnson	Mr. J. E. Thompson
Mr. Carver	Mr. Kelsey	Mr. H. C. Tuthill
Mr. Crittenden	Mr. McLean	Mr. Varnum
Mr. Curtis	Mr. McNeal	Mr. Ward
Mr. Disosway	Mr. Markel	Mr. Wheaton
Mr. Elderkin	Mr. Picket	Mr. Willard
Mr. Fiske	Mr. Prescott	Mr. Wisewell
Mr. Gates	Mr. Raynor	Mr. Woodruff
Mr. A. Gilbert		

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Goddard	Mr. Pruyn
Mr. Barber	Mr. Graham	Mr. Quackenboss
Mr. Boyce	Mr. Guernsey	Mr. Roblee
Mr. Brewer	Mr. Hart	Mr. A. Robertson
Mr. Budd	Mr. Hudson	Mr. W. H. Robertson
Mr. Bull	Mr. A. Johnson	Mr. Rose

Mr. Bush	Mr. Kennedy	Mr. Rounseville
Mr. Button	Mr. Kidd	Mr. Slocum
Mr. Campbell	Mr. Leavenworth	Mr. Terry
Mr. Cornell	Mr. McKinney	Mr. Van Orden
Mr. Crispell	Mr. Maine	Mr. Vincent
Mr. Cross	Mr. Mersereau	Mr. Wells
Mr. Dodge	Mr. Mowry	Mr. White
Mr. Fish	Mr. Nash	Mr. Wilcox
Mr. Fitzhugh	Mr. Pease	Mr. Young
Mr. Glass		

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Mr. White moved that the bill entitled "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route," be made the special order for Friday next at 12 o'clock.

Mr. Fiske moved the House do now adjourn.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fiske, and it was determined in the affirmative.

And then, at 8½ o'clock p. m.,

The House adjourned.

## THURSDAY, MARCH 8, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Potter.

The minutes of yesterday were read, when

Mr. Pruyn moved that the journal be corrected in such a manner as to show that Mr. Pruyn of Albany was brought before the bar of the House, and that 34 other members were brought in by the Sergeant-at-Arms.

Mr. Rose moved to amend the motion of Mr. Pruyn by stating that the following members were brought to the bar of the House by the Sergeant-at-Arms.

Mr. Brinkerhoff	Mr. Cornell	Mr. Quackenboss
Mr. Button	Mr. White	Mr. Rose
Mr. Terry	Mr. Slocum	Mr. Mowry
Mr. Guernsey	Mr. Wheaton	Mr. A. Robertson
Mr. Nash	Mr. Bull	Mr. Leavenworth
Mr. A. Johnson	Mr. Hoyt	Mr. Green
Mr. Skeel	Mr. Roblee	Mr. Wisewell
Mr. McNeal	Mr. Fox	Mr. Dodge
Mr. Ward	Mr. Elderkin	Mr. Boyce
Mr. Wilcox	Mr. Mersereau	Mr. Wells
Mr. Maine		

Mr. Taylor moved that the motion to amend the journal be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Taylor, and it was determined in the negative.

{ AYES 22 }  
{ NAYS 72 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Danforth	Mr. Kennedy
Mr. Bagley	Mr. A. Gilbert	Mr. Kidd
Mr. Bellinger	Mr. L. M. Gilbert	Mr. Pickett
Mr. Boughton	Mr. Goff	Mr. Prescott
Mr. Bowen	Mr. Gove	Mr. Rounseville
Mr. Boyce	Mr. Graham	Mr. Sexton
Mr. Budd	Mr. Harmon	Mr. J. E. Thompson
Mr. Crittenden		22

Those who voted in the negative are,

Mr. Averill	Mr. Hall	Mr. St. John
Mr. Bailey	Mr. Hart	Mr. Skeel
Mr. Beekman	Mr. Hudson	Mr. Slocum
Mr. Boardman	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. M. Johnson	Mr. W. S. Smith
Mr. Brewer	Mr. Kelsey	Mr. Speaker
Mr. Bull	Mr. Leavenworth	Mr. Stevenson
Mr. Bush	Mr. McLean	Mr. Taylor
Mr. Button	Mr. McNeal	Mr. Terry
Mr. Campbell	Mr. Maine	Mr. B. Thompson
Mr. Carver	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Cornell	Mr. Miller	Mr. Van Auken
Mr. Crispell	Mr. Mowry	Mr. Tan Orden
Mr. Cross	Mr. Nash	Mr. Varnum
Mr. Curtis	Mr. Perley	Mr. Vincent
Mr. Disosway	Mr. Porter	Mr. Ward
Mr. Elderkin	Mr. Pruyn	Mr. Wells
Mr. Fish	Mr. Quackenboss	Mr. Wheaton
Mr. Fiske	Mr. Raynor	Mr. White
Mr. Glass	Mr. Richards	Mr. Willard
Mr. Goddard	Mr. Roblee	Mr. Wilcox
Mr. Green	Mr. W. H. Robertson	Mr. Wisewell
Mr. Guernsey	Mr. Rockwell	Mr. Woodruff
Mr. Hale	Mr. Rose	Mr. Young
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The question recurring upon the amendment of Mr. Rose to the amendment of Mr. Pruyn.

Debate was had thereon, when

Mr. Kidd moved the previous question, which motion having been seconded,

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

{ AYES 58 }  
{ NAYS 25 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Dodge	Mr. McNeal
Mr. H. J. Allen	Mr. Fish	Mr. Markel
Mr. Bagley	Mr. Fiske	Mr. Miller
Mr. Bailey	Mr. Fitzbugh	Mr. Picket
Mr. Barber	Mr. L. M. Gilbert	Mr. Porter
Mr. Beekman	Mr. Gove	Mr. Prescott
Mr. Bellinger	Mr. Graham	Mr. Raynor
Mr. Boughton	Mr. Green	Mr. Richards
Mr. Bowen	Mr. Hale	Mr. Rounseville
Mr. Brewer	Mr. Hall	Mr. L. Ward Smith
Mr. Budd	Mr. Harmon	Mr. J. E. Thompson
Mr. Bush	Mr. Hart	Mr. A. Tuttle
Mr. Button	Mr. Hoyt	Mr. H. C. Tuthill
Mr. Campbell	Mr. M. Johnson	Mr. Van Orden
Mr. Carver	Mr. Kelsey	Mr. Varnum
Mr. Crispell	Mr. Kennedy	Mr. Vincent
Mr. Crittenden	Mr. Kidd	Mr. Ward
Mr. Cross	Mr. Leavenworth	Mr. Wilcox
Mr. Danforth	Mr. McLean	Mr. Young
Mr. Disosway		

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Those who voted in the negative are,

Mr. Averill	Mr. Perley	Mr. Slocum
Mr. Boardman	Mr. Pruyn	Mr. Stevenson
Mr. Boyce	Mr. Quackenboss	Mr. Terry
Mr. Brinkerhoff	Mr. Roblee	Mr. Van Aukun
Mr. Cornell	Mr. A. Robertson	Mr. Wells
Mr. Curtis	Mr. W. H. Robertson	Mr. White
Mr. Maine	Mr. Rockwell	Mr. Wisewell
Mr. Mersereau	Mr. Rose	Mr. Woodruff
Mr. Nash		

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Mr. Speaker then put the main question, it being whether the House would agree to the said motion of Mr. Pruyn to amend the journal, and it was determined in the affirmative.

{ AYES 76 }  
{ NAYS 9 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. Richards
Mr. Averill	Mr. Graham	Mr. A. Robertson
Mr. Bagley	Mr. Green	Mr. W. H. Robertson
Mr. Bailey	Mr. Guernsey	Mr. Rockwell
Mr. Beekman	Mr. Hale	Mr. Rose
Mr. Boardman	Mr. Hall	Mr. Rounseville
Mr. Bowen	Mr. Harmon	Mr. Sexton
Mr. Boyce	Mr. Hart	Mr. Skeel
Mr. Brinkerhoff	Mr. Hoyt	Mr. Slocum
Mr. Bush	Mr. Hudson	Mr. L. Ward Smith
Mr. Button	Mr. A. Johnson	Mr. Stevenson
Mr. Campbell	Mr. M. Johnson	Mr. Terry
Mr. Carver	Mr. Kelsey	Mr. A. Tuttle
Mr. Cornell	Mr. McLean	Mr. H. C. Tuthill
Mr. Crispell	Mr. McNeal	Mr. Van Auken
Mr. Crittenden	Mr. Maine	Mr. Van Orden
Mr. Cross	Mr. Miller	Mr. Varnum
Mr. Curtis	Mr. Mowry	Mr. Ward
Mr. Danforth	Mr. Nash	Mr. Wells
Mr. Disosway	Mr. Picket	Mr. Wheaton
Mr. Dodge	Mr. Porter	Mr. White
Mr. Elderkin	Mr. Prescott	Mr. Wilcox
Mr. Fish	Mr. Pruyn	Mr. Wisewell
Mr. Fiske	Mr. Quackenboss	Mr. Woodruff
Mr. Fitzhugh	Mr. Raynor	Mr. Young
Mr. Glass		

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Those who voted in the negative are,

Mr. Brewer	Mr. Gates	Mr. Mersereau
Mr. Budd	Mr. Kennedy	Mr. Perley
Mr. Bull	Mr. Kidd	Mr. W. S. Smith

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Mr. Rose moved to amend the journal so that it would show that the following members were brought to the bar of the House by the Sergeant-at-Arms.

Mr. Brinkerhoff	Mr. Cornell	Mr. Quackenboss
Mr. Button	Mr. Wheaton	Mr. Rose
Mr. Terry	Mr. White	Mr. Mowry
Mr. Guernsey	Mr. Slocum	Mr. A. Robertson
Mr. Nash	Mr. Bull	Mr. Leavenworth
Mr. A. Johnson	Mr. Hoyt	Mr. Green
Mr. Skeel	Mr. Roblee	Mr. Wisewell
Mr. McNeal	Mr. Fox	Mr. Dodge
Mr. Ward	Mr. Elderkin	Mr. Boyce
Mr. Wilcox	Mr. Mersereau	Mr. Wells
Mr. Maine		

Mr. L. Ward Smith moved the previous question, which motion having been seconded,



Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Pruyn moved to reconsider the vote of the House ordering the previous question on the motion of Mr. Rose.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

Mr. A. Robertson moved to amend the motion of Mr. Rose by adding the name of Mr. Woodruff.

Mr. Perley moved the previous question, which motion having been seconded,

Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the main question, it being whether the House would agree to the said motion of Mr. Rose to amend the journal, and it was determined in the affirmative.

{ AYES 60 }  
{ NAYS 31 }

The ayes and nays being called for by ten members,

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Hale	Mr. Rose
Mr. Averill	Mr. Hall	Mr. Skeel
Mr. Bailey	Mr. Hart	Mr. Slocum
Mr. Beekman	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Kelsey	Mr. Stevenson
Mr. Bull	Mr. Kidd	Mr. Terry
Mr. Bush	Mr. McLean	Mr. A. Tuttle
Mr. Button	Mr. McNeal	Mr. H. C. Tuthill
Mr. Carver	Mr. Maine	Mr. Van Auken
Mr. Cornell	Mr. Mersereau	Mr. Van Orden
Mr. Crispell	Mr. Miller	Mr. Ward
Mr. Danforth	Mr. Nash	Mr. Wells
Mr. Disosway	Mr. Picket	Mr. Wheaton
Mr. Dodge	Mr. Prescott	Mr. White
Mr. Elderkin	Mr. Raynor	Mr. Whittaker
Mr. Fitzhugh	Mr. Richards	Mr. Willard
Mr. Gates	Mr. Roblee	Mr. Wilcox
Mr. Gove	Mr. A. Robertson	Mr. Wisewell
Mr. Green	Mr. W. H. Robertson	Mr. Woodruff
Mr. Guernsey	Mr. Rockwell	Mr. Young

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Those who voted in the negative are,

Mr. H. J. Allen	Mr. Goddard	Mr. Porter
Mr. Bellinger	Mr. Graham	Mr. Rounseville
Mr. Boardman	Mr. Harmon	Mr. Sexton
Mr. Boughten	Mr. Hudson	Mr. W. S. Smith
Mr. Brewer	Mr. M. Johnson	Mr. Speaker
Mr. Budd	Mr. Kennedy	Mr. Taylor

Mr. Campbell  
Mr. Crittenden  
Mr. Cross  
Mr. Fish  
Mr. L. M. Gilbert

Mr. McKinney  
Mr. Markel  
Mr. Mowry  
Mr. Pease

Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. Varnum  
Mr. Vincent

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Mr. Speaker put the question whether the House would agree to the journal as amended, and it was determined in the affirmative.

Mr. Mowry presented the memorial of citizens of Washington co., praying for a law to declare the public utility of a railroad from Troy to Rutland, and including the report of a committee of citizens of said county in relation thereto.

On motion of Mr. Mowry,

*Resolved*, That said memorial be referred to the committee of the whole having charge of that subject, and that the usual number thereof be printed for the use of the Legislature.

—Mr. Pruyn presented the petition of numerous citizens of Brooklyn praying for the passage of a law fixing the hours of labor at ten hours each day, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mowry presented the memorial of citizens of Washington co., praying for a law declaring the public utility of a railroad from Troy to Rutland, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Cross presented the petition of citizens of New-York for an appropriation to clear the rafting channel of the North Hudson, which was read and referred to the committee on canals.

Mr. Rockwell presented the petition of 75 inhabitants of Warren co., praying for an appropriation to clear the rafting channel of the upper portion of the Hudson river, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Crispell presented the memorial of the New-York State Temperance Society, praying for the prohibition of the sale of intoxicating drinks.

On motion of Mr. Crispell,

*Ordered*, That the said memorial be referred to a select committee.

*Ordered*, That Mr. Crispell, Mr. Glass, Mr. Gilbert, Mr. Brinkerhoff, Mr. Nash, Mr. St. John, Mr. Elderkin, Mr. Noble, Mr. Cornell and Mr. A. Johnson be such select committee.

Messrs. Speaker, Budd, Rockwell, Kennedy, A. Robertson, Goff and Averill, presented 12 several remonstrances of citizens of Rensselaer, Saratoga, Washington, Clinton and Essex counties against the passage of a law authorising the Northern Railroad company to bridge Lake Champlain at Rouse's point, which were read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Dodge, Carver, Gove, and Rockwell, presented six several petitions of mechanics and others, citizens of the State of New-York praying for the continuance of the Clinton State prison, which were

read and referred to the committee of the whole when on the bill upon that subject.

Messrs. Wells, Danforth, Kennedy, Fiske, and Rockwell presented five several petitions of citizens of the State of New-York, praying for an appropriation to improve the navigation of the upper waters of the Hudson river, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Hale presented three several petitions of inhabitants of West Union and Hornellsville, praying for the erection of a new county from parts of Steuben and Allegany counties, which were read and referred to the committee of the whole on the bill upon that subject.

Mr. Elderkin and Mr. Goddard presented five several petitions of sundry citizens of St. Lawrence county, praying for the passage of an act to authorise the Northern Railroad Company to erect a draw bridge over Lake Champlain at Rouses' Point, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Nash presented two several petitions of sundry citizens of this state, praying for a law prohibiting the sale of intoxicating drinks, which were read and referred to the select committee on that subject.

Mr. L. M. Gilbert and Mr. Danforth presented two several remonstrances of sundry citizens of Schoharie co., against the division of said county, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Raynor presented the petition of sundry inhabitants of Erie county, praying for an act amending the charter of the Aurora and Buffalo Plank Road Company, allowing inhabitants residing within one mile of the gate on said road, near the city of Buffalo to pass the same without paying toll, which was read and referred to the committee on roads and bridges.

Mr. St. John presented the petition of sundry citizens of Otsego and Chenango counties, praying for the repeal of section nine of the act of April 16, 1822, relative to drawing nets and seines in the Unadilla river and contributing streams, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Rockwell presented the petition of sundry inhabitants of Saratoga county, praying for an act authorising the construction of an aqueduct over the Hudson river near the Fort Miller dam, which was read and referred to the committee on canals.

Mr. Young presented the petition of sundry citizens of Cattaraugus county, for the establishment of a professorship of agricultural science in the Central College in Cortland county, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Graham presented the petition of sundry inhabitants of Rosendale, praying that the acts of Jacob Van Keuren, as commissioner of highways of said town may be confirmed, which was read and referred to the committee on the judiciary.

Mr. Beekman presented the memorial of the Syracuse Law Asso-

ciation, asking for the removal of the Chancellor's library to that city, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. A. Tuttle presented the petition of sundry citizens of the town of Ashland, praying for the erection of the county of Harrison from parts of the counties of Greene, Delaware and Schoharie, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Fiske presented the remonstrance of 54 forwarders and citizens of Fort Plain, on the Erie canal, in the county of Montgomery, against the passage of the act for the better regulation of wharfrage in New-York city, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mersereau presented the remonstrance of sundry inhabitants of Steuben co., against any division of said county, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Richards presented the petition of sundry inhabitants of the county of Wyoming, praying that the railroads in this state may be allowed to carry live stock and fresh provisions without the payment of tolls, which was read and referred to the committee on canals.

Mr. Campbell presented the petition of the mayor, aldermen, and commonalty of the city of New-York, praying for the passage of an act to enable the supervisors of said city to raise money by tax, which was read and referred to a select committee consisting of the New-York delegation.

Mr. Woodruff from the committee on the internal affairs of towns and counties, to which was referred the engrossed bill from the Senate entitled "An act to authorise the board of supervisors of Columbia county to purchase a piece of land," reported that the committee had examined said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Fiske from the committee on commerce and navigation, to which was referred the bill entitled "An act giving assent to the erection by the United States of a marine hospital on the old fort military or parade ground at Oswego," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Cross moved that the order of business of "special orders of the day," be postponed until after the reports of committees.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cross, and it was determined in the affirmative.

Mr. Harmon from the committee on charitable and religious societies, to which was referred the petition of the Roman Catholic orphan asylum of Rochester, for an amendment of their charter, re-

ported, and asked, and obtained leave to bring in a bill entitled "An act to amend an act to incorporate the Roman Catholic Orphan Asylum Society of the city of Rochester," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. McLean, from the committee on claims, to which was referred the petition of Charles Elliott and Luke P. Babcock for damages sustained by the construction of the Cayuga and Seneca canal, reported, and asked, and obtained leave to bring in a bill entitled "An act to authorise the appraisal and payment of canal damages to Luke P. Babcock, Charles Elliott and others," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Harmon from the committee on charitable and religious societies to which was referred the petition of sundry inhabitants of New-York for the incorporation of the Swiss Benevolent Society, reported, and asked, and obtained leave to bring in a bill entitled "An act to incorporate the Swiss Benevolent Society of New-York," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Hale, from the committee on the erection and division of towns and counties, to which was referred the petition of sundry inhabitants of Delaware, Broome, Chenango and Otsego, for the erection of a new county from parts of said counties, reported, and asked and obtained leave to bring in a bill, entitled "An act to erect the county of Patterson," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

(See Doc. No. 152.)

Mr. Boardman from the committee on claims to which was referred the petition of Henry Crandall, for damages sustained by the construction of the Chemung canal, reported, and asked and obtained leave to bring in a bill, entitled "An act to pay Henry Crandall certain canal damages if any be awarded by the Canal Appraisers," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. A. Johnson, from the committee on colleges, academies and common schools, to which was referred the petition of sundry inhabitants of school district No. 8 in Hanover and Sheridan, in the county of Chautauque, for a law to vest certain powers in the trustees of said district, reported against the prayer of the petitioners and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. A. Johnson, from the committee on colleges, academies and

common schools, to which was referred the petition of sundry inhabitants of the town of Westchester, for a division of the state money for schools in that town, reported against the prayer of the petitioners, and offered for the consideration of the House, a resolution in the words following, to wit :

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Beekman from the joint library committee to which was referred the bill entitled "An act concerning the libraries of the late court of chancery and supreme court," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bowen from the committee on trade and manufactures to which was referred the engrossed bill from the Senate, entitled "An act to authorise the trustees of the late West Point foundry association to sell their real estate," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Cross from the select committee, to which was referred the bill entitled "An act authorising the erection of docks in the seventh ward in the city of Brooklyn," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Wells from the select committee, to which was referred the bill entitled "An act to authorise Moses Randall, executor of the last will and testament of James Roberts, deceased, to convey certain real estate," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. St. John, from the select committee to which was referred the bill entitled "An act to preserve fish in certain portions of the waters of the Unadilla river," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Raynor from the select committee to which was referred the bill entitled "An act to erect the town of Red Jacket from the towns of Cheektowaga, Black Rock and Hamburg," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act to erect the town of Rakawana from the towns of Cheektowaga, Black Rock and Hamburg," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Whittaker, from the select committee, to which was referred the bill entitled "An act to confirm the official acts of Benjamin F. Miller, late sheriff of Broome county," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Glass from the select committee, to which was referred the bill entitled "An act to provide against taking a fraudulent census among the Onondaga Indians, and give them power to apply national funds," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Markel from the select committee to which was referred the bill entitled "An act to authorise town clerks to administer oaths in certain cases," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Harmon, from the select committee, to which was referred the bill entitled "An act to amend an act to require superintendents of the poor to give bonds, passed April 12, 1848," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, and altered the title so as to read "An act to require superintendents of the poor and county treasurers to give bonds," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bowen from the select committee to which was referred the bill entitled "An act to amend an act for the more effectual prevention of fires in the city of New-York, and to amend the acts heretofore passed," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

The annual report of the New-York Prison Association was received and referred to the committee on state prisons.

Mr. Fiske moved that three times the usual number of the said report be printed for the use of the Legislature and 500 for the use of the prison association.

*Ordered*, That the said motion be referred to the committee on public printing.

The report of the superintendent of the poor of Niagara co., in relation to emigrants arriving in the ports of entry and landings of this state was received and referred to the committee on commerce and navigation.

The report of the harbor master of the city of Albany was received and referred to the committee on commerce and navigation.

A communication from the Auburn and Rochester Railroad Company, in answer to a resolution of this House of Feb. 15, in relation

to capital stock and dividends and expenses of said co., was received and referred to the committee on railroads.

(See Doc. No. 149.)

The House then resolved itself into a committee of the whole on the special order of the day, it being the bills entitled as follows, to wit:

— "An act making appropriations for Clinton prison."

— "An act in relation to Sing Sing prison,"

— "An act in relation to county prisons."

"An act to discontinue the Clinton State prison, and to convert the building used therefor into an asylum for the education and support of idiots."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. A. Johnson from said committee, reported that the committee had gone through the bill entitled "An act in relation to Sing Sing prison," and agreed to the same with amendments.

Mr. B. Thompson moved to amend the report of the committee of the whole by adding at the end of section one the following words: "But no mechanical labor shall be performed by the convicts of said prison, after the expiration of the existing contracts."

Debate was had thereon, when

Mr. White moved the previous question, which motion having been seconded,

Mr. Speaker put the question, "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the main question, it being whether the House would agree to the said motion of Mr. B. Thompson, and it was determined in the negative.

{ AYES 15 }  
{ NAYS 81 }

Those who voted in the affirmative are,

Mr. Bowen	Mr. Perley	Mr. Taylor
Mr. Budd	Mr. Pruyn	Mr. B. Thompson
Mr. Campbell	Mr. Rockwell	Mr. J. E. Thompson
Mr. Carver	Mr. Rounseville	Mr. Van Orden
Mr. Fish	Mr. L. Ward Smith	Mr. Wells

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Those who voted in the negative are,

Mr. B. Allen	Mr. Glass	Mr. Picket
Mr. H. J. Allen	Mr. Goddard	Mr. Porter
Mr. Averill	Mr. Goff	Mr. Prescott
Mr. Bagley	Mr. Graham	Mr. Raynor
Mr. Barber	Mr. Green	Mr. Richards
Mr. Beckman	Mr. Guernsey	Mr. Roblee
Mr. Boughton	Mr. Hale	Mr. A. Robertson
Mr. Boyce	Mr. Hall	Mr. W. H. Robertson
Mr. Brinkerhoff	Mr. Harmon	Mr. Rose



Mr. Brewer	Mr. Hart	Mr. Sexton
Mr. Bull	Mr. Hoyt	Mr. Skeel
Mr. Bush	Mr. Hudson	Mr. Slocum
Mr. Button	Mr. A. Johnson	Mr. W. S. Smith
Mr. Cornell	Mr. M. Johnson	Mr. Speaker
Mr. Crispell	Mr. Kelsey	Mr. Stevenson
Mr. Crittenden	Mr. Kennedy	Mr. Terry
Mr. Culbert	Mr. Kidd	Mr. A. Tuttle
Mr. Curtis	Mr. Leavenworth	Mr. H. C. Tutbill
Mr. Danforth	Mr. McKinney	Mr. Varnum
Mr. Disosway	Mr. McLean	Mr. Ward
Mr. Elderkin	Mr. McNeal	Mr. Wheaton
Mr. Fiske	Mr. Maine	Mr. White
Mr. Fitzhugh	Mr. Mersereau	Mr. Whittaker
Mr. Fox	Mr. Miller	Mr. Willard
Mr. Gates	Mr. Mowry	Mr. Wilcox
Mr. A. Gilbert	Mr. Nash	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Pease	Mr. Young

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Mr. Speaker put the question whether the House would agree to the report of the committee of the whole, and it was determined in the affirmative.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. A. Johnson from the same committee reported progress on the bills entitled "An act in relation to county prisons," "An act to discontinue the Clinton state prison and to convert the building used therefor into an asylum for the education and support of idiots," and asked for and obtained leave to sit again.

Mr. Johnson from the same committee reported that the committee had gone through the bill entitled "An act making appropriations for Clinton prison," and struck out the enacting clause as follows:

### An act making appropriations for Clinton prison.

*The People of the State of New-York represented in Senate and Assembly, do enact as follows:*

§ 1. The sum of forty-one thousand dollars is hereby appropriated, to be applied to the support and maintenance of the Clinton prison.

§ 2. The sum of seven thousand three hundred and thirty dollars is hereby appropriated, to be applied to extending the picketing, and the erection or construction of machinery and fixtures required for working the ore mine leased in behalf of the state, and the separation of ore for market.

§ 3. These several appropriations shall be paid by the treasurer on the warrant of the comptroller, to the agent of the Clinton Prison, on his draft, which said draft shall be certified by the board of inspectors or a majority thereof, out of any monies in the treasury not otherwise appropriated.

§ 4. This act shall take effect immediately.

And pending the question of agreeing to the report of the committee of the whole.

The House took a recess until 4 o'clock.

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#### FOUR O'CLOCK P. M.

The House again met.

The House proceeded to the consideration of the special order of the day, it being the bill entitled "An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain, passed May 14, 1845," and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bailey from said committee, reported progress, and asked leave to sit again.

Mr. Fitzhugh moved said bills be made the special order for tomorrow at 12 o'clock, m.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Fitzhugh and it was determined in the affirmative.

Mr. Speaker presented the memorial of Archibald Watts for the institution of the court for the precognition of pleas for the purposes of abating litigation and hastening and cheapening procurement of justice, which was read and referred to the committee on the judiciary.

And then at 6 o'clock p. m.,

On motion of Mr. Fiske,  
The House adjourned.

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#### FRIDAY, MARCH 9, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

The minutes of yesterday were read and approved.

Mr. Brinkerhoff and Mr. Glass presented three several petitions of sundry citizens of Cayuga county, for the passage of a law prohibiting the sale of intoxicating drinks, which were read and referred to the select committee on that subject.

Mr. Wells, Mr. Culbert and Mr. W. H. Robertson presented four several petitions of sundry citizens of this state, for an appropriation for the improvement of the navigation of the upper waters of the Hudson river, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Danforth presented four several remonstrances of sundry citi-

zens of Schoharie co., against any division of said county, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mowry presented two several petitions of sundry inhabitants of Washington co., for the passage of a law declaring the public utility of a railroad from Troy to Rutland, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bailey presented the remonstrance of sundry citizens of Greene co., against any division of said county, and against the erection of the county of Harrison, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. A. Tuttle presented the petition of sundry citizens of Lexington, for the erection of the new county of Harrison from parts of the counties of Greene, Delaware and Schoharie, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. A. Johnson presented the resolutions of the annual town meeting of the town of Bainbridge, against the erection of the new county of Patterson, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Nash presented the petition of the trustees of the Baptist church and congregation of the towns of Southport and Elmira, for the passage of a law confirming their acts as such trustees, which was read and referred to the committee on charitable and religious societies.

Mr. Carver presented the petition of mechanics and other citizens of the state of New-York, for the continuance of Clinton prison, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. A. Robertson and Mr. Goff presented eight several remonstrances of sundry citizens of Washington county, against the passage of a law to enable the Northern Railroad Company to bridge Lake Champlain, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mersereau presented two several remonstrances of sundry inhabitants of Steuben co., against any division of said county, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Goddard presented the petition of sundry citizens of the town of Dekalb, for the passage of a law to authorise the erection of a draw-bridge over Lake Champlain at Rouse's Point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Beekman presented the memorial of sundry citizens of Syracuse and Onondaga counties, praying for the passage of the bill for the disposition and regulation of the law libraries of this state, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mersereau presented the remonstrance of sundry citizens of

Cohecton, against the division of said town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Guernsey presented the remonstrance of sundry citizens of Jamestown, against alteration of the law compelling banks to redeem in the city of New-York, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Boughton presented two several remonstrance of sundry citizens of the town of Bushwick, against the passage of a law to authorise the erection and maintenance of docks in that town, which were read and referred to the committee on commerce and navigation.

Mr. A. Johnson presented the remonstrance of sundry citizens of Chenango co., against the repeal of the law concerning passengers arriving at ports of entry in this state, which was read and referred to the committee on commerce and navigation.

Mr. Pardee presented the petition of sundry inhabitants of the county of Genesee, for the passage of a law declaring the public utility of a railroad from Batavia to Buffalo, which was read and referred to the committee on railroads.

M. J. E. Thompson presented the remonstrance of sundry taxpayers of Delaware county, against the passage of any law providing for the election of a local officer in said county to discharge the duties of judge and surrogate, which was read and referred to the select committee having in charge the bill upon that subject.

Mr. Porter presented the remonstrance of sundry inhabitants of the town of Richmond, Ontario co., against reannexation to the towns of Bristol and South Bristol, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Bowen presented the memorial of the mayor and commonalty of the city of New-York, for the passage of an act for the reorganization of the Croton water department, which was read and referred to a select committee consisting of the New-York delegation.

Mr. A. Tuttle presented the petition of the town of Hunter, to be annexed to the town of Windham, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Miller presented the petition of sundry citizens of the county of Suffolk, for the passage of a law to protect residents of said county against fires, which was read and referred to the select committee on that subject.

Mr. Averill, from the committee on roads and bridges, to which was referred the petition of sundry inhabitants of Hancock and Tompkins, Delaware co., for the revival of an act for the construction of a road from Cannonsville to Shehocking, reported, and asked, and obtained leave to bring in a bill entitled "An act to revive and amend an act to lay out and construct a road from Cannonsville; in the county of Delaware, to Shehocking in said county, passed April 19, 1828," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bowen from the committee on ways and means to which refer-

red the bill entitled "An act in relation to the Schenectady and Troy railroad state stock," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bowen from the committee on ways and means, reported the bill entitled "An act in relation to the state arsenal in the city of New-York," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Guernsey from the committee on roads and bridges to which was referred the petition of S. Green and D. Pease to amend the Revised Statutes in relation to highways, reported, and asked, and obtained leave to bring in a bill entitled "An act to amend the Revised Statutes in relation to highway labor on non-resident lands," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Campbell, from the select committee, to which was referred the bill entitled "An act to provide for the incorporation of insurance companies," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Fiske from the committee on commerce and navigation, to which was referred the bill entitled "An act to authorise Nezhiah Bliss and others to erect and maintain docks in the town of Bushwick, county of Kings," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Stevens from the committee on public printing, to which was referred the motion to print three times the usual number of the report of the New-York prison association, and 500 for the use of the association, reported, and offered for the consideration of the House a resolution in the words following, to wit :

*Resolved*, That three times the usual number of the said report be printed for the use of the Legislature, and 200 copies for the use of the association.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. McKimney from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows to wit :

"An act in relation to the Sing Sing prison."

■ "An act to require superintendents of the poor and county treasurers to give bonds."

"An act authorising the erection of docks in the seventh ward in the city of Brooklyn."

"An act to authorise the commissioners of loans of the county of Washington to transcribe certain records in said county."

"An act to confirm the official acts of Jesse Rosecrance a justice of the peace of the town of Candor."

"An act to require the town of Norfolk to pay the town of Louisville certain school monies."

"An act to authorise Moses Randall, executor of the last will and testament of James Roberts deceased, to convey certain real estate."

"An act to confirm the official acts of Benjamin F. Miller, late sheriff of Broome county."

"An act to confirm the official acts of Horace D. Brundage, a justice of the peace of the town of Lodi."

"An act to incorporate the Methodist Episcopal church, Garretson station, Albany."

"An act to amend an act to enable resident aliens to hold and convey real estate, and for other purposes, passed April 30, 1845."

"An act to provide against taking a fraudulent census among the Onondaga Indians, and give them power to apply national funds."

"An act to preserve the fish in certain portions of the Unadilla river."

"An act to provide for the construction of a plank road from the village of Homer to the village of Cortland."

"An act to amend the Revised Statutes relative to commissions to executors and administrators."

"An act to define the boundaries of the town of Ballston and Clifton Park."

And found the same correctly engrossed.

*Ordered*, That said bills be read a third time.

Mr. W. S. Smith, from the select committee of nine, reported and recommended several bills as proper to be referred to select committees to report complete.

Mr. Speaker put the question whether the House would agree to the said report, and it was determined in the affirmative.

Whereupon, the committee of the whole was discharged from the further consideration of the same, and the said bills were severally referred to select committees to report complete, as follows:

"An act to provide for the settlement of the claim of the estate of John Jacob Mang for land taken by the state," to Mr. Slocum, Mr. Bagley and Mr. Fitzhugh.

"An act for the reappraisal and payment of damages of Aaron Knapp in the construction of the Leland Pond Reservoir," to Mr. Maine, Mr. Hale and Mr. Ward.

"An act to amend an act, entitled 'An act to authorise persons to change their names,' passed Dec. 14, 1847," to Mr. Cornell, Mr. Bailey and Mr. Vincent.

"An act to amend an act to incorporate the village of Potsdam, passed March 3, 1831," to Mr. Elderkin, Mr. Maine and Mr. Cross.

"An act to amend an act to authorise the formation of the Niagara suspension bridge house company, passed April 11, 1848," to Mr. Pruyn, Mr. H. J. Allen and Mr. W. S. Smith.

"An act to incorporate the village of Rondout," to Mr. Graham, Mr. Crispell and Mr. Pruyn.

"An act to amend the charter of the St. Lawrence County Mutual Insurance Company," to Mr. Campbell, Mr. Elderkin and Mr. Hart.

"An act granting to George F. Von Beck the right to establish a ferry across the Rondout creek," to Mr. Crispell, Mr. Graham and Mr. Glass.

"An act to amend the charter of the Cochection Bridge Company," to Mr. Bush, Mr. Woodruff and Mr. Wilcox.

"An act to provide for liquidating the claims of Horace Hotchkiss and William P. Smith against the agent of the Sing Sing prison," to Mr. Kidd, Mr. Brinkerhoff and Mr. Glass.

"An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings," to Mr. Boughton, Mr. Fiske and Mr. Cross.

"An act to amend the act entitled 'An act to authorise the village of Williamsburgh to raise money by loan or tax to pay certain debts and to provide for the speedy liquidation and settlement, &c.," to Mr. Boughton, Mr. Fiske and Mr. Cross.

"An act to revive the powers of the Hedding Society of the first Methodist Episcopal Church," to Mr. Nash, Mr. Harmon and Mr. Pease.

"An act to amend an act, entitled 'An act in relation to suits against district officers,' passed May 1, 1847," to Mr. Button, Mr. Maine and Mr. Glass.

"An act for the relief of Mary Catharine Rapp," to Mr. Cornell, Mr. H. J. Allen and Mr. Ward.

"An act to protect the woodlands in Suffolk county against destruction by fire," to Mr. Miller, Mr. Rose and Mr. W. S. Smith.

"An act to amend an act for the organization of the first division of the New-York state militia," to Mr. Rose, Mr. Dodge and Mr. Averill.

"An act to amend an act requiring compensation for causing death by wrongful act, neglect or default, passed Dec. 13, 1847," to Mr. Raynor, Mr. W. S. Smith and Mr. Campbell.

"An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Buffalo,' &c." to Mr. B. Thompson, Mr. Raynor and Mr. McNeal.

"An act to close Diagonal-street in the city of Albany," to Mr. Pruyn, Mr. Wing and Mr. Barber.

"An act to amend an act to incorporate the Buffalo Savings Bank," to Mr. B. Thompson, Mr. Campbell and Raynor.

"An act to provide for the election of officers of mutual fire insurance companies," to Mr. Campbell, Mr. Averill and Mr. Bagley.

"An act for the preservation of game in the counties of Monroe, Ontario, Livingston, Cayuga, Wayne, Yates, Wyoming, Niagara, Genesee and Orleans, to Mr. L. Ward Smith, Mr. Maine and Mr. H. C. Tuttle.

"An act to provide for supplying the city of Brooklyn with water, &c.," to Mr. Cross, Mr. Fiske and Mr. Dodge.

"An act to drain the Springtown swamp, in the town of New

Paltz, in the county of Ulster," to Mr. Crispell, Mr. Graham and Mr. Curtis.

"An act to provide for building a bridge across the outlet of Crooked lake in the town of Milo," to Mr. Wisewell, Mr. Maine and Mr. Goddard.

"An act authorising the inspectors of state prisons to administer oaths and take the affidavits of officers of the prisons," Mr. Carver, Mr. Bagley and Mr. Bailey.

"An act to authorise the appointment of criers of the courts in the several counties in the state, to Mr. Bagley, Mr. B. Thompson and Mr. Pardee.

An act to confirm the official acts of Sylvester Ruel as a justice of the peace of the town of Brownville," to Mr. Bagley, Mr. Gates and Mr. Marsh.

"An act to amend an act to organize and establish a recorder's court in the city of Oswego," to Mr. Fitzhugh, Mr. Fox and Mr. Bagley.

"An act to amend title seven, of chapter sixteen, of the first part of the Revised Statutes entitled of the regulation of ferries," to Mr. Bagley, Mr. Goff and Mr. Glass.

"An act to authorise surrogates to take acknowledgments of deeds and to administer oaths," to Mr. Bagley, Mr. Bailey and Mr. W. H. Robertson.

"An act in relation to the dog tax in the county of Ulster," to Mr. Crispell, Mr. Graham and Mr. Quackenboss.

"An act to amend an act entitled 'An act to extend Third street east, in the village of Jamestown, to second street,' to Mr. Terry, Mr. Guernsey and Mr. Campbell.

"An act to annex a part of the town of Sparta to the town of North Dansville," to Mr. Woodruff, Mr. McLean, and Mr. Quackenboss.

"An act to amend an act for the preservation of pike or pickerel, and other fish in sundry ponds and other waters, passed April 16, 1822, to Mr. St. John, Mr. Maine and Mr. Button.

"An act to amend an act entitled 'An act to abolish distress for rent and for other purposes,' passed May 13, 1846," to Mr. Cornell, Mr. L. Butts and Mr. Bagley.

"An act to amend an act concerning the laws, journals and documents of the Legislature, passed May 12, 1847," to Mr. Rose, Mr. Maine and Mr. Button.

"An act to amend an act to incorporate the Dry Dock Savings Institution in the city of New-York, passed April 12, 1848," to Mr. Campbell, Mr. Brewer and Mr. Kennedy.

"An act authorising surrogates to invest surplus monies arising from sales of real estate in certain cases," to Mr. Bailey, Mr. Bagley and Mr. A. Johnson.

"An act to authorise the commissioners of highways of the town of Waterloo to borrow money," to Mr. Markel, Mr. Maine and Mr. Calbert.

"An act to authorise supplying the loss of evidence of proceedings,"



for the incorporation of the village of Corning, and to constitute said village a separate road district," to Mr. Mersereau, Mr. Maine and Mr. Hale.

"An act to amend the charter of the Jefferson county institute," to Mr. Bagley, Mr. Gates and Mr. Marsh.

Engrossed bill from the Senate, "An act to incorporate the Mansion Square Female Seminary, in the village of Poughkeepsie," to Mr. Vincent, Mr. W. Butts and Mr. Kidd.

Engrossed bill from the Senate, "An act in relation to the Utica Female Academy," to Mr. Prescott, Mr. Pierce and Mr. Stevens.

"An act relating to the erection of a town house in the town of New Utrecht," to Mr. Boughton, Mr. Fiske and Mr. Cross.

"An act to amend 'an act to incorporate the village of Palmyra, in the county of Wayne,' passed March 29, 1827," to Mr. Boyce, Mr. Maine and Mr. Leavenworth.

"An act to confirm the official acts of Sylvanus D. Thompson, as justice of the peace of the town of Savannah," to Mr. Leavenworth, Mr. Bagley and Mr. Boyce.

Engrossed bill from the Senate, "An act to amend chapter two hundred and fourteen of the laws of 1842, in relation to the poor laws," to Mr. W. S. Smith, Mr. Bowen and Mr. L. M. Gilbert.

Engrossed bill from the Senate, "An act to provide for a free school in district number five in the town of Bath, in the county of Steuben," to Mr. Hale, Mr. Willard and Mr. Mersereau.

"An act authorising the commissioners of highways of the town of Northfield, to lease certain town property," to Mr. Disosway, Mr. Woodruff and Mr. Vincent.

Engrossed bill from the Senate, "An act to extend the remedies at law against foreign insurance companies," to Mr. Cornell, Mr. Campbell and Mr. Bagley.

"An act to amend the charter of the Williamsburgh Fire Insurance company," to Mr. Boughton, Mr. Campbell and Mr. Fiske.

Engrossed bill from the Senate, "An act to change the name of Archibald Morrison Stone to Archibald Morrison Morrison," to Mr. Cornell, Mr. Fiske and Mr. Ward.

A division of the question being called on agreeing to the report of the committee.

Mr. Speaker put the question on agreeing to the report of the committee except the bill, entitled "An act to provide for a free school in district number five, in the town of Bath, in the county of Steuben," and it was determined in the affirmative.

Mr. Speaker then put the question on agreeing to the report of the committee on the bill, entitled "An act to provide for a free school in district number five in the town of Bath, the county of Steuben," and it was determined in the affirmative.

Mr. W. S. Smith from the select committee of nine reported for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That Monday, the 19th, be set apart for the consideration of bills for claims against the State, and that the House will

proceed to the consideration of such bills immediately after the presentation of petitions on that day.

*Ordered*, That the said resolution be laid on the table.

The report of the Commissary General in answer to a resolution of this House of Feb. 17, in relation to the number of arsenals in the State and the condition of the same, &c., was received and referred to the committee on the militia and public defence.

The engrossed bill from the Senate, entitled "An act to amend an act entitled 'An act to incorporate the New-York Floating Dry Dock company,' passed April 18, 1843," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goff	Mr. Roblee
Mr. Bagley	Mr. Graham	Mr. A. Robertson
Mr. Bailey	Mr. Green	Mr. W. H. Robertson
Mr. Barber	Mr. Guernsey	Mr. Rockwell
Mr. Beekman	Mr. Hale	Mr. Rose
Mr. Bellinger	Mr. Hall	Mr. Rounseville
Mr. Boardman	Mr. Hart	Mr. Sexton
Mr. Boughton	Mr. Hoyt	Mr. Slocum
Mr. Bowen	Mr. M. Johnson	Mr. L. Ward Smith
Mr. Boyce	Mr. Kennedy	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Kidd	Mr. Speaker
Mr. Brewer	Mr. McKinney	Mr. Stevens
Mr. Budd	Mr. McNeal	Mr. Stevenson
Mr. Button	Mr. Maine	Mr. Terry
Mr. Campbell	Mr. Markel	Mr. B. Thompson
Mr. Crispell	Mr. Mersereau	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Miller	Mr. Van Orden
Mr. Curtis	Mr. Mowry	Mr. Varnum
Mr. Danforth	Mr. Pease	Mr. Vincent
Mr. Disosway	Mr. Perley	Mr. Wells
Mr. Dodge	Mr. Picket	Mr. Wheaton
Mr. Elderkin	Mr. Pierce	Mr. White
Mr. Fish	Mr. Porter	Mr. Whittaker
Mr. A. Gilbert	Mr. Prescott	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Wisewell
Mr. Glass	Mr. Raynor	Mr. Woodruff
Mr. Goddard	Mr. Richards	Mr. Young

81

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill, entitled "An act to amend an act to enable

resident aliens to hold and convey real estate, and for other purposes, passed April 30, 1845," was read the third time.

Mr. Cornell moved said bill be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

The engrossed bill from the Senate, entitled "An act to incorporate the Auburn Savings institution," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Richards
Mr. H. J. Allen	Mr. Green	Mr. Roblee
Mr. Bagley	Mr. Guernsey	Mr. A. Robertson
Mr. Bailey	Mr. Hale	Mr. W. H. Robertson
Mr. Beekman	Mr. Hall	Mr. Rockwell
Mr. Bellingar	Mr. Hart	Mr. Rose
Mr. Boardman	Mr. Hoyt	Mr. Rounseville
Mr. Boughton	Mr. A. Johnson	Mr. Sexton
Mr. Bowen	Mr. M. Johnson	Mr. Slocum
Mr. Boyce	Mr. Kelsey	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Kennedy	Mr. W. S. Smith
Mr. Brewer	Mr. Leavenworth	Mr. Speaker
Mr. Budd	Mr. McKinney	Mr. Stevens
Mr. Bull	Mr. McLean	Mr. Stevenson
Mr. Button	Mr. McNeal	Mr. Terry
Mr. Campbell	Mr. Maine	Mr. B. Thompson
Mr. Carver	Mr. Markel	Mr. J. E. Thompson
Mr. Cornell	Mr. Mersereau	Mr. A. Tuttle
Mr. Crispell	Mr. Miller	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Mowry	Mr. Van Orden
Mr. Culbert	Mr. Nash	Mr. Vincent
Mr. Curtis	Mr. Pease	Mr. Wells
Mr. Danforth	Mr. Perley	Mr. Wheaton
Mr. Disosway	Mr. Picket	Mr. White
Mr. Dodge	Mr. Pierce	Mr. Whittaker
Mr. Elderkin	Mr. Porter	Mr. Wilcox
Mr. Fish	Mr. Prescott	Mr. Wisewell
Mr. Gates	Mr. Pruyn	Mr. Woodruff
Mr. A. Gilbert	Mr. Quackenboss	Mr. Young
Mr. L. M. Gilbert	Mr. Raynor	

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill, entitled "An act to provide against taking a fraudulent census among the Onondaga Indians, and give them power to apply national funds," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 89 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Richards
Mr. H. J. Allen	Mr. Goddard	Mr. A. Robertson
Mr. Averill	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Guernsey	Mr. Rockwell
Mr. Bailey	Mr. Hale	Mr. Rose
Mr. Barber	Mr. Hall	Mr. Rounseville
Mr. Beekman	Mr. Hart	Mr. Sexton
Mr. Bellingher	Mr. Hoyt	Mr. Skeel
Mr. Boardman	Mr. A. Johnson	Mr. Slocum
Mr. Boughton	Mr. M. Johnson	Mr. W. S. Smith
Mr. Bowen	Mr. Kelsey	Mr. Speaker
Mr. Boyce	Mr. Kennedy	Mr. Stevens
Mr. Brinkerhoff	Mr. Kidd	Mr. Stevenson
Mr. Brewer	Mr. Leavenworth	Mr. Terry
Mr. Budd	Mr. McKinney	Mr. J. E. Thompson
Mr. Bull	Mr. McNeal	Mr. A. Tuttle
Mr. Bush	Mr. Maine	Mr. H. C. Tuthill
Mr. Campbell	Mr. Markel	Mr. Van Orden
Mr. Carver	Mr. Mersereau	Mr. Varnum
Mr. Crispell	Mr. Miller	Mr. Vincent
Mr. Crittenden	Mr. Mowry	Mr. Wells
Mr. Culbert	Mr. Nash	Mr. Wheaton
Mr. Curtis	Mr. Pease	Mr. White
Mr. Danforth	Mr. Perley	Mr. Whittaker
Mr. Dodge	Mr. Pickett	Mr. Willard
Mr. Elderkin	Mr. Pierce	Mr. Wilcox
Mr. Fish	Mr. Porter	Mr. Wisewell
Mr. Gates	Mr. Prescott	Mr. Woodruff
Mr. A. Gilbert	Mr. Pruyn	Mr. Young
Mr. L. M. Gilbert	Mr. Raynor	

89

*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to amend the Revised Statutes relative to commissions to executors and administrators," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative,

a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. Richards
Mr. H. J. Allen	Mr. Goddard	Mr. Roblee
Mr. Averill	Mr. Graham	Mr. A. Robertson
Mr. Bagley	Mr. Green	Mr. W. H. Robertson
Mr. Bailey	Mr. Guernsey	Mr. Rockwell
Mr. Barber	Mr. Hale	Mr. Rose
Mr. Beekman	Mr. Hall	Mr. Rounseville
Mr. Bellinger	Mr. Hart	Mr. Sexton
Mr. Boardman	Mr. Hoyt	Mr. Skeel
Mr. Boughton	Mr. Hudson	Mr. W. S. Smith
Mr. Bowen	Mr. A. Johnson	Mr. Speaker
Mr. Boyce	Mr. M. Johnson	Mr. Stevens
Mr. Brinkerhoff	Mr. Kelsey	Mr. Stevenson
Mr. Brewer	Mr. Kennedy	Mr. Terry
Mr. Budd	Mr. Kidd	Mr. B. Thompson
Mr. Bull	Mr. Leavenworth	Mr. J. E. Thompson
Mr. Button	Mr. McKinney	Mr. A. Tuttle
Mr. Campbell	Mr. McNeal	Mr. H. C. Tuthill
Mr. Carver	Mr. Maine	Mr. Van Orden
Mr. Cornell	Mr. Markel	Mr. Varnum
Mr. Crittenden	Mr. Mersereau	Mr. Vincent
Mr. Culbert	Mr. Miller	Mr. Wells
Mr. Curtis	Mr. Mowry	Mr. Wheaton
Mr. Danforth	Mr. Nash	Mr. White
Mr. Dodge	Mr. Pease	Mr. Whittaker
Mr. Elderkin	Mr. Perley	Mr. Willard
Mr. Fish	Mr. Picket	Mr. Wilcox
Mr. Fiske	Mr. Pierce	Mr. Wisewell
Mr. Gates	Mr. Prescott	Mr. Woodruff
Mr. A. Gilbert	Mr. Pruyn	Mr. Young
Mr. L. M. Gilbert	Mr. Raynor	

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*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill, entitled "An act to authorise Moses Randall, executor of the last will and testament of James Roberts, deceased, to convey certain real estate," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Roblee
Mr. H. J. Allen	Mr. Graham	Mr. A. Robertson
Mr. Averill	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Guernsey	Mr. Rose
Mr. Bailey	Mr. Hale	Mr. Rounseville
Mr. Barber	Mr. Hall	Mr. Sexton
Mr. Beekman	Mr. Hart	Mr. Skeel
Mr. Bellinger	Mr. Hoyt	Mr. Slocum
Mr. Boardman	Mr. Hudson	Mr. L. Ward Smith
Mr. Boughton	Mr. A. Johnson	Mr. W. S. Smith
Mr. Boyce	Mr. M. Johnson	Mr. Speaker
Mr. Brinkerhoff	Mr. Kelsey	Mr. Stevens
Mr. Brewer	Mr. Kennedy	Mr. Stevenson
Mr. Budd	Mr. Kidd	Mr. Terry
Mr. Bush	Mr. Leavenworth	Mr. B. Thompson
Mr. Button	Mr. McKinney	Mr. J. E. Thompson
Mr. Campbell	Mr. McLean	Mr. A. Tuttle
Mr. Carver	Mr. McNeal	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Maine	Mr. Van Orden
Mr. Culbert	Mr. Markel	Mr. Varnum
Mr. Curtis	Mr. Mersereau	Mr. Vincent
Mr. Danforth	Mr. Mowry	Mr. Wells
Mr. Dodge	Mr. Nash	Mr. Wheaton
Mr. Elderkin	Mr. Pease	Mr. White
Mr. Fiske	Mr. Perley	Mr. Whittaker
Mr. Gates	Mr. Picket	Mr. Willard
Mr. A. Gilbert	Mr. Pierce	Mr. Wilcox
Mr. L. M. Gilbert	Mr. Prescott	Mr. Wisewell
Mr. Glass	Mr. Pruyn	Mr. Woodruff
Mr. Goddard	Mr. Raynor	Mr. Yang
Mr. Goff	Mr. Richards	

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act authorising the county of Erie and the city of Buffalo to erect a public building for county and city purposes," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 90 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. L. M. Gilbert	Mr. Roblee
Mr. H. J. Allen	Mr. Glass	Mr. A. Robertson

Mr. Averill	Mr. Goddard	Mr. W. H. Robertson
Mr. Bagley	Mr. Green	Mr. Rockwell
Mr. Bailey	Mr. Hale	Mr. Rose
Mr. Barber	Mr. Hall	Mr. Rounseville
Mr. Beekman	Mr. Hart	Mr. Sexton
Mr. Bellinger	Mr. Hoyt	Mr. Skeel
Mr. Boardman	Mr. Hudson	Mr. Slocum
Mr. Boughton	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Bowen	Mr. M. Johnson	Mr. W. S. Smith
Mr. Boyce	Mr. Kelsey	Mr. Speaker
Mr. Brinkerhoff	Mr. Kennedy	Mr. Stevens
Mr. Brewer	Mr. Kidd	Mr. Stevenson
Mr. Budd	Mr. Leavenworth	Mr. Terry
Mr. Bush	Mr. McKinney	Mr. B. Thompson
Mr. Button	Mr. McNeal	Mr. J. E. Thompson
Mr. L. Butts	Mr. Maine	Mr. A. Tuttle
Mr. Campbell	Mr. Markel	Mr. H. C. Tuthill
Mr. Carver	Mr. Miller	Mr. Van Orden
Mr. Crispell	Mr. Mowry	Mr. Varnum
Mr. Cross	Mr. Nash	Mr. Vincent
Mr. Culbert	Mr. Pease	Mr. Wells
Mr. Curtis	Mr. Perley	Mr. Wheaton
Mr. Danforth	Mr. Picket	Mr. White
Mr. Dodge	Mr. Pierce	Mr. Whittaker
Mr. Elderkin	Mr. Prescott	Mr. Wilcox
Mr. Fiske	Mr. Pruyn	Mr. Wisewell
Mr. Gates	Mr. Raynor	Mr. Woodruff
Mr. A. Gilbert	Mr. Richards	Mr. Young

90

*Ordered*, That the Clerk deliver the said resolution to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to provide for the construction of a plank road from the village of Homer to the village of Cortland," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 91 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Glass	Mr. W. H. Robertson
Mr. H. J. Allen	Mr. Goddard	Mr. Rockwell
Mr. Averill	Mr. Graham	Mr. Rose
Mr. Bagley	Mr. Green	Mr. Rounseville
Mr. Bailey	Mr. Hale	Mr. Sexton
Mr. Barber	Mr. Hall	Mr. Skeel
Mr. Beekman	Mr. Hart	Mr. Slocum

Mr. Bellinger	Mr. Hoyt	Mr. L. Ward Smith
Mr. Boardman	Mr. A. Johnson	Mr. W. S. Smith
Mr. Boughton	Mr. M. Johnson	Mr. Speaker
Mr. Bowen	Mr. Kelsey	Mr. Stevens
Mr. Boyce	Mr. Kennedy	Mr. Stevenson
Mr. Brinkerhoff	Mr. Kidd	Mr. Terry
Mr. Brewer	Mr. Leavenworth	Mr. B. Thompson
Mr. Budd	Mr. McKinney	Mr. J. E. Thompson
Mr. Bull	Mr. McLean	Mr. A. Tuttle
Mr. L. Butts	Mr. McNeal	Mr. H. C. Tuthill
Mr. Campbell	Mr. Maine	Mr. Van Orden
Mr. Carver	Mr. Miller	Mr. Varnum
Mr. Cornell	Mr. Nash	Mr. Vincent
Mr. Crispell	Mr. Pease	Mr. Ward
Mr. Culbert	Mr. Perley	Mr. Wells
Mr. Curtis	Mr. Picket	Mr. Wheaton
Mr. Danforth	Mr. Pierce	Mr. White
Mr. Dodge	Mr. Prescott	Mr. Whittaker
Mr. Elderkin	Mr. Pruyn	Mr. Willard
Mr. Fish	Mr. Raynor	Mr. Wilcox
Mr. Fiske	Mr. Richards	Mr. Wisewell
Mr. Gates	Mr. Roblee	Mr. Woodruff
Mr. A. Gilbert	Mr. A. Robertson	Mr. Young
Mr. L. M. Gilbert		

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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act in relation to the Sing Sing Prison," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 91 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. A. Robertson
Mr. H. J. Allen	Mr. Goff	Mr. W. H. Robertson
Mr. Averil	Mr. Gove	Mr. Rockwell
Mr. Bag' y	Mr. Graham	Mr. Rose
Mr. Bail' y	Mr. Guernsey	Mr. Rounseville
Mr. Barber	Mr. Hall	Mr. Sexton
Mr. Beekman	Mr. Hart	Mr. Skeel
Mr. Bellinger	Mr. Hoyt	Mr. Slocum
Mr. Boardman	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Boughton	Mr. M. Johnson	Mr. W. S. Smith
Mr. Bowen	Mr. Kelsey	Mr. Speaker
Mr. Boyce	Mr. Kennedy	Mr. Stevens



Mr. Brinkerhoff	Mr. Kidd	Mr. Stevenson
Mr. Brewer	Mr. Leavenworth	Mr. Terry
Mr. Budd	Mr. M. Kinney	Mr. B. Thompson
Mr. Bush	Mr. McNeal	Mr. J. E. Thompson
Mr. L. Butts	Mr. Maine	Mr. A. Tuttle
Mr. Campbell	Mr. Markel	Mr. H. C. Tuthill
Mr. Carver	Mr. Miller	Mr. Van Orden
Mr. Crispell	Mr. Mowry	Mr. Varnum
Mr. Culbert	Mr. Nash	Mr. Vincent
Mr. Curtis	Mr. Pease	Mr. Ward
Mr. Danforth	Mr. Perley	Mr. Wells
Mr. Dodge	Mr. Picket	Mr. Wheaton
Mr. Elderkin	Mr. Pierce	Mr. White
Mr. Fiske	Mr. Prescott	Mr. Whittaker
Mr. Fitzhugh	Mr. Pruyn	Mr. Wilcox
Mr. Gates	Mr. Raynor	Mr. Wisewell
Mr. A. Gilbert	Mr. Richards	Mr. Woodruff
Mr. L. M. Gilbert	Mr. Roblee	Mr. Young
Mr. Glass		

91

*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to confirm the official acts of Horace D. Brundage, a justice of the peace of the town of Lodi," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 90 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Richards
Mr. H. J. Allen	Mr. Gove	Mr. Roblee
Mr. Averill	Mr. Graham	Mr. A. Robertson
Mr. Bagley	Mr. Green	Mr. W. H. Robertson
Mr. Bailey	Mr. Guernsey	Mr. Rockwell
Mr. Barber	Mr. Hale	Mr. Rose
Mr. Beekman	Mr. Hall	Mr. Rounseville
Mr. Bellinger	Mr. Hart	Mr. Sexton
Mr. Boardman	Mr. Hoyt	Mr. Skeel
Mr. Boughton	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Bowen	Mr. M. Johnson	Mr. Stevens
Mr. Boyce	Mr. Kelsey	Mr. Stevenson
Mr. Brinkerhoff	Mr. Kennedy	Mr. Terry
Mr. Brewer	Mr. Kidd	Mr. B. Thompson
Mr. Budd	Mr. Leavenworth	Mr. J. E. Thompson
Mr. Bull	Mr. M. Kinney	Mr. A. Tuttle
Mr. Bush	Mr. McLean	Mr. H. C. Tuthill

Mr. Button	Mr. McNeal	Mr. Van Orden
Mr. Campbell	Mr. Maine	Mr. Varnum
Mr. Carver	Mr. Markel	Mr. Vincent
Mr. Crispell	Mr. Mersereau	Mr. Ward
Mr. Danforth	Mr. Miller	Mr. Wells
Mr. Dodge	Mr. Mowry	Mr. Wheaton
Mr. Elderkin	Mr. Nash	Mr. White
Mr. Fiske	Mr. Pease	Mr. Whittaker
Mr. Fitzhugh	Mr. Perley	Mr. Wilford
Mr. Gates	Mr. Pickett	Mr. Wilcox
Mr. A. Gilbert	Mr. Pierce	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Woodruff
Mr. Glass	Mr. Raynor	Mr. Young

90

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to require the town of Norfolk to pay the town of Louisville certain school monies," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 94 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Roblee
Mr. H. J. Allen	Mr. Graham	Mr. A. Robertson
Mr. Averill	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Guernsey	Mr. Rockwell
Mr. Bailey	Mr. Hale	Mr. Rose
Mr. Barber	Mr. Hall	Mr. Rounseville
Mr. Beekman	Mr. Hart	Mr. Sexton
Mr. Bellinger	Mr. Hoyt	Mr. Skeel
Mr. Boardman	Mr. Hudson	Mr. Slocum
Mr. Boughton	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Bowen	Mr. M. Johnson	Mr. Speaker
Mr. Boyce	Mr. Kelsey	Mr. Stevens
Mr. Brinkerhoff	Mr. Kidd	Mr. Stevenson
Mr. Brewer	Mr. Leavenworth	Mr. Terry
Mr. Budd	Mr. McKinney	Mr. B. Thompson
Mr. Bull	Mr. McLean	Mr. J. E. Thompson
Mr. Bush	Mr. McNeal	Mr. A. Tuttle
Mr. Button	Mr. Maine	Mr. H. C. Tutbill
Mr. Campbell	Mr. Markel	Mr. Van Orden
Mr. Carver	Mr. Mersereau	Mr. Varnum
Mr. Cornell	Mr. Miller	Mr. Vincent
Mr. Crispell	Mr. Mowry	Mr. Ward
Mr. Dodge	Mr. Nash	Mr. Wells

Mr. Elderkin  
Mr. Fiske  
Mr. Fitzhugh  
Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Goff

Mr. Pease  
Mr. Perley  
Mr. Picket  
Mr. Pierce  
Mr. Prescott  
Mr. Pruyn  
Mr. Raynor  
Mr. Richards

Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Wilard  
Mr. Wilcox  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

94

Mr. Bagley moved the House reconsider its vote on the final passage of said bill.

Mr. Speaker then put the question whether the House would agree to the said motion of Mr. Bagley, and it was determined in the affirmative.

The engrossed bill entitled "An act to require superintendents of the poor and county treasurers to give bonds," was read the third time.

Mr. Speaker then put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows :

{ AYES 93 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Barber  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Boughton  
Mr. Bowen  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. Campbell  
Mr. Carver  
Mr. Crispell  
Mr. Curtis  
Mr. Danforth

Mr. Goddard  
Mr. Goff  
Mr. Gove  
Mr. Graham  
Mr. Green  
Mr. Guernsey  
Mr. Hale  
Mr. Hall  
Mr. Hart  
Mr. Hoyt  
Mr. A. Johnson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. Leavenworth  
Mr. McKinney  
Mr. McLean  
Mr. McNeal  
Mr. Maine  
Mr. Markel  
Mr. Mersereau  
Mr. Miller

Mr. Raynor  
Mr. Richards  
Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rose  
Mr. Rounseville  
Mr. Sexton  
Mr. Skeel  
Mr. Slocum  
Mr. L. Ward Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stevenson  
Mr. Terry  
Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. A. Tuttle  
Mr. H. C. Tuthill  
Mr. Van Orden  
Mr. Varnum  
Mr. Vincent  
Mr. Ward  
Mr. Wells

Mr. Dodge	Mr. Mowry	Mr. Wheaton
Mr. Elderkin	Mr. Nash	Mr. White
Mr. Fiske	Mr. Pease	Mr. Whittaker
Mr. Fitzhugh	Mr. Perley	Mr. Willard
Mr. Gates	Mr. Picket	Mr. Wilcox
Mr. A. Gilbert	Mr. Porter	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Prescott	Mr. Woodruff
Mr. Glass	Mr. Pruyn	Mr. Young

93

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to define the boundaries of the towns of Ballston and Clifton Park," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 97 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Raynor
Mr. H. J. Allen	Mr. Goff	Mr. Richards
Mr. Averill	Mr. Gove	Mr. Roblee
Mr. Bagley	Mr. Graham	Mr. A. Robertson
Mr. Bailey	Mr. Green	Mr. W. H. Robertson
Mr. Barber	Mr. Guernsey	Mr. Rockwell
Mr. Beekman	Mr. Hale	Mr. Rose
Mr. Bellinger	Mr. Hall	Mr. Rounseville
Mr. Boardman	Mr. Hart	Mr. Sexton
Mr. Boughton	Mr. Hoyt	Mr. Skeel
Mr. Bowen	Mr. Hudson	Mr. Socum
Mr. Boyce	Mr. A. Johnson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. M. Johnson	Mr. Stevens
Mr. Brewer	Mr. Kelsey	Mr. Stevenson
Mr. Budd	Mr. Kennedy	Mr. Terry
Mr. Bull	Mr. Kidd	Mr. B. Thompson
Mr. Bush	Mr. Leavenworth	Mr. J. E. Thompson
Mr. Button	Mr. McKinney	Mr. A. Tuttle
Mr. Campbell	Mr. McLean	Mr. H. C. Tuthill
Mr. Carver	Mr. McNeal	Mr. Van Orden
Mr. Cornell	Mr. Maine	Mr. Varnum
Mr. Crispell	Mr. Markel	Mr. Vincent
Mr. Curtis	Mr. Mersereau	Mr. Ward
Mr. Danforth	Mr. Miller	Mr. Wells
Mr. Dodge	Mr. Nash	Mr. Wheaton
Mr. Elderkin	Mr. Pardee	Mr. White
Mr. Fiske	Mr. Pease	Mr. Whittaker
Mr. Fitzhugh	Mr. Perley	Mr. Willard
Mr. Fox	Mr. Picket	Mr. Wilcox

Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Glass

Mr. Porter  
Mr. Prescott  
Mr. Pruyn

Mr. Wisewell  
Mr. Woodruff  
Mr. Young

97

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to authorise the commissioners of loans of the county of Washington to transcribe certain records in said county," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 92 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen  
Mr. H. J. Allen  
Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Boughton  
Mr. Bowen  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. Campbell  
Mr. Carver  
Mr. Cornell  
Mr. Culbert  
Mr. Curtis  
Mr. Danforth  
Mr. Dodge  
Mr. Elderkin  
Mr. Fish  
Mr. Fiske  
Mr. Fitzhugh  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert

Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Goff  
Mr. Gove  
Mr. Graham  
Mr. Green  
Mr. Guernsey  
Mr. Hale  
Mr. Hall  
Mr. Harmon  
Mr. Hart  
Mr. Hoyt  
Mr. A. Johnson  
Mr. M. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. Leavenworth  
Mr. McKinney  
Mr. McLean  
Mr. McNeal  
Mr. Maine  
Mr. Markel  
Mr. Miller  
Mr. Mowry  
Mr. Pardee  
Mr. Pease  
Mr. Perley  
Mr. Porter  
Mr. Prescott

Mr. Pruyn  
Mr. Raynor  
Mr. Richards  
Mr. Roblee  
Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rose  
Mr. Rounseville  
Mr. Sexton  
Mr. Skeel  
Mr. Slocum  
Mr. W. S. Smith  
Mr. Stevens  
Mr. Terry  
Mr. B. Thompson  
Mr. J. E. Thompson  
Mr. A. Tuttle  
Mr. H. C. Tuthill  
Mr. Van Orden  
Mr. Varnum  
Mr. Vincent  
Mr. Ward  
Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Willard  
Mr. Wilcox  
Mr. Wisewell  
Mr. Woodruff

98

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act authorising the erection of docks in the seventh ward in the city of Brooklyn," was read the third time.

On motion of Mr. Cornell,

*Ordered*, That the said bill be laid on the table.

The engrossed bill entitled "An act to confirm the official acts of Jesse Rosecrance, a justice of the peace of the town of Candor," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 94 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Goddard	Mr. Raynor
Mr. H. J. Allen	Mr. Goff	Mr. Richards
Mr. Averill	Mr. Gove	Mr. Roblee
Mr. Bagley	Mr. Graham	Mr. A. Robertson
Mr. Bailey	Mr. Green	Mr. W. H. Robertson
Mr. Beckman	Mr. Guernsey	Mr. Rounseville
Mr. Bellinger	Mr. Hale	Mr. Sexton
Mr. Boardman	Mr. Hall	Mr. Skeel
Mr. Bowen	Mr. Harmon	Mr. Slocum
Mr. Boyce	Mr. Hart	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. Hoyt	Mr. W. S. Smith
Mr. Brewer	Mr. A. Johnson	Mr. Speaker
Mr. Budd	Mr. M. Johnson	Mr. Stevens
Mr. Bull	Mr. Kelsey	Mr. Terry
Mr. Bush	Mr. Kennedy	Mr. B. Thompson
Mr. Button	Mr. Kidd	Mr. J. E. Thompson
Mr. Campbell	Mr. Leavenworth	Mr. A. Tuttle
Mr. Carver	Mr. McKinney	Mr. H. C. Tuthill
Mr. Cornell	Mr. McLean	Mr. Van Auker
Mr. Crispell	Mr. McNeal	Mr. Van Orden
Mr. Culbert	Mr. Maine	Mr. Varnum
Mr. Curtis	Mr. Markel	Mr. Vincent
Mr. Danforth	Mr. Miller	Mr. Ward
Mr. Dodge	Mr. Mowry	Mr. Wells
Mr. Elderkin	Mr. Nash	Mr. Wheaton
Mr. Fish	Mr. Pardee	Mr. White
Mr. Fiske	Mr. Picket	Mr. Whittaker
Mr. Fitzhugh	Mr. Porter	Mr. Willard
Mr. Gates	Mr. Prescott	Mr. Wilcox
Mr. A. Gilbert	Mr. Pruyn	Mr. Wisewell
Mr. L. M. Gilbert	Mr. Quackenboss	Mr. Woodruff
Mr. Glass		

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate entitled "An act to confirm the official acts of Benjamin T. Miller, late sheriff of Broome county," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 94 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. B. Allen	Mr. Gove	Mr. Roblee
Mr. H. J. Allen	Mr. Graham	Mr. A. Robertson
Mr. Averill	Mr. Green	Mr. W. H. Robertson
Mr. Bagley	Mr. Guernsey	Mr. Rose
Mr. Bailey	Mr. Hale	Mr. Rouseville
Mr. Beekman	Mr. Hall	Mr. Sexton
Mr. Bellinger	Mr. Harmon	Mr. Skeel
Mr. Boardman	Mr. Hart	Mr. Slocum
Mr. Bowen	Mr. Hoyt	Mr. Smalley
Mr. Boyce	Mr. Hudson	Mr. L. Ward Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. W. S. Smith
Mr. Brewer	Mr. M. Johnson	Mr. Speaker
Mr. Budd	Mr. Kelsey	Mr. Stevens
Mr. Button	Mr. Kennedy	Mr. Terry
Mr. Campbell	Mr. Kidd	Mr. B. Thompson
Mr. Carver	Mr. Leavenworth	Mr. J. E. Thompson
Mr. Cornell	Mr. McKinney	Mr. A. Tuttle
Mr. Crispell	Mr. McLean	Mr. H. C. Tuthill
Mr. Culbert	Mr. McNeal	Mr. Van Auken
Mr. Curtis	Mr. Maine	Mr. Van Orden
Mr. Danforth	Mr. Markel	Mr. Varnum
Mr. Dodge	Mr. Mersereau	Mr. Vincent
Mr. Elderkin	Mr. Miller	Mr. Ward
Mr. Fiske	Mr. Mowry	Mr. Wells
Mr. Fitzhugh	Mr. Nash	Mr. Wheaton
Mr. Fox	Mr. Pease	Mr. White
Mr. Gates	Mr. Picket	Mr. Whittaker
Mr. A. Gilbert	Mr. Porter	Mr. Willard
Mr. L. M. Gilbert	Mr. Pruyn	Mr. Wilcox
Mr. Glass	Mr. Quackenboss	Mr. Wisewell
Mr. Goddard	Mr. Raynor	Mr. Woodruff
Mr. Goff		

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

Mr. White offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That the bill entitled "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route," be referred to the committee of the whole having in charge the bill entitled "An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain, passed May 14, 1845."

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the negative.

Mr. Richards gave notice that he would at some future day ask leave to introduce a bill to amend the act incorporating the village of Attica, passed May 2, 1837.

Mr. Cornell moved that the special order entitled "An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western Lakes to Lake Champlain, passed May 14, 1845," be postponed until to morrow at 12 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the negative.

Mr. Rose offered for the consideration of the House, resolutions in the words following, to wit:

*Resolved*, That while this House is in favor of enforcing its parliamentary rules so far as is necessary to secure order and facilitate the business of the House, they will not sanction tyranny or any unnecessary oppression.

*Resolved*, That in the judgment of this House, before other action is had upon a motion for a call of the House, members within the walls of the capitol should be invited to their seats by the officers and messengers of this House.

*Resolved*, That the call of the House on the evening of the 7th inst., which was moved within two minutes of the time of meeting and carried by a small minority of the members, was improper, and an unnecessary waste of the valuable time of the House.

*Resolved*, That the arrest of 34 members of this House within the walls of the Capitol by a mock warrant, was illegal and inconsistent with that dignity and honor which should characterise the proceedings of the Legislature of the State of New-York.

Mr. Speaker decided that the fourth resolution contained a reflection upon the action of members of this House, and was therefor out of order.

Mr. W. S. Smith rose to a point of order, and submitted that the resolutions if passed would change one of the standing rules of this House, and were not, therefor, now in order, the requisite notice of one day not having been given.

And pending the consideration of the said point of order,

The hour of 12 o'clock having arrived,

The House then resolved itself into a committee of the whole on the special order of the day, it being the bill entitled as follows;



"An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain, passed May 14, 1845."

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bailey from said committee reported progress, and asked and obtained leave to sit again.

Mr. B. Thompson moved the amendments offered to said bill in committee of the whole be printed.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. B. Thompson, and it was determined in the affirmative.

Mr. Cornell moved that the said bill and the bill entitled "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route," be made the special order for to-morrow at 12 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

Mr. Rockwell offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Comptroller be respectfully requested to transmit to this House the amount of nonresident highway taxes which have been assessed and paid upon the different townships in the Totten and Crossfield purchase, in the county of Hamilton, in each and every year from the date of the law authorising nonresident lands to be assessed, to the present time.

*Ordered*, That the said resolution be laid upon the table.

Mr. Danforth offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That members of this House when in committee of the whole upon special orders, shall not be allowed to speak more than one hour or more than twice upon the same subject.

*Ordered*, That the said resolution be laid upon the table.

Mr. Kidd offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the State Engineer be requested to enquire and report to the Legislature at its next session, the probable expense of a trigonometrical survey and the projection of a topographical map by counties of this State.

*Ordered*, That the said resolution be laid upon the table.

Mr. Kennedy offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That Andrew White, the receiver of the Canal Bank of Albany, report to this House the names of the individuals and firms indebted to the said bank at the time of its failure, and which debts he has since his appointment compromised or sold at less than the amount due thereon, stating particularly the amount due upon each of said debts as well as the amount received therefor in such compromise or sale.

*Ordered*, That said resolution be laid upon the table.

Mr. Taylor offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, (if the Senate concur,) That the Governor be requested to procure for each commissioned officer of the navy, natives of this State, who co-operated with our army in the late war with Mexico, a gold medal with an appropriate device, and present the same to them in the name of the people of this State.

On motion of Mr. Taylor,

*Ordered*, That the said resolution be referred to the committee on the militia and public defence.

Mr. Cornell offered for the consideration of the House a resolution in the words following, to wit:

*Resolved*, That no select committee to which shall be referred any bill coming from the committee of nine, shall report until three days shall have elapsed from the time of their appointment.

*Ordered*, That the said resolution be laid upon the table.

Mr. Beekman gave notice that he would at an early day ask leave to introduce a bill to change the time for making up the assessor's books in the city of New-York.

Mr. Curtis offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That hereafter the morning sessions of this House commence at 9 o'clock.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

Mr. Glass offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the Auburn and Rochester railroad company be and is hereby requested and required to report to this House forthwith, under oath of their treasurer, in answer to a resolution of this House, passed Feb. 15, 1849, what amount of their capital has actually been paid in and expended by said company in the construction of said road, exclusive of the earnings or income of said company, with the date when such capital was paid in.

Debate being had thereon,

*Ordered*, That the said resolution be laid upon the table.

In pursuance of previous notice Mr. Averill asked for and obtained leave to bring in a bill entitled "An act to annex a part of the town of Oppenheim to the town of St. Johnsville," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

In pursuance of previous notice Mr. Fish asked for and obtained leave to bring in a bill entitled "An act to abolish punishment by death and providing a substitute," which was read the first time and by unanimous consent was also read the second time, and referred to the select committee on that subject.

In pursuance of previous notice Mr. Nash asked for and obtained leave to bring in a bill entitled "An act to legalize the acts of the trustees of the Baptist church and congregation of the towns of

Southport and Elmira," which was read the first time, and by unanimous consent was also read a second time and referred to the committee on charitable and religious societies.

And then at 2 o'clock p. m.,

The House took a recess until 4 o'clock.

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#### FOUR O'CLOCK P. M.

The House again met.

Mr. Speaker presented the memorial of Dr. Alex. H. Stevens against the removal of the Quarantine at Staten Island, which was read and referred to the committee of the whole when on the bill upon that subject.

On motion of Mr. W. S. Smith the said memorial was ordered printed.

The House then resolved itself into a committee of the whole on the bill entitled "An act to amend article 3d, of title 1st, of chapter 8, of part 2d, of the Revised Statutes, entitled 'of divorces dissolving the marriage contract,'" and after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Campbell from said committee, reported that the committee had gone through said bill, and amended the same by striking out the enacting clause.

Mr. Cornell moved that the report of the committee of the whole be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

And then, at 6 o'clock p. m.,

On motion of Mr. W. S. Smith,  
The House adjourned.

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SATURDAY, MARCH 10, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. Dr. Pohlman.

The minutes of yesterday were read and approved.

Mr. Raynor presented the remonstrance of 87 citizens and property owners immediately adjoining the quarantine ground, against the removal of the quarantine at Staten Island, and praying that the Legislature make the same a strictly marine hospital, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Wheaton presented the petition of 44 inhabitants of Jefferson co., praying for an increased appropriation for teachers' institutes,

which was read and referred to the committee on colleges, academies and common schools.

Mr. Markel presented the petition of Jacob Kistler, praying for an act to authorise the appraisal and payment of canal damages sustained by him on the Cayuga and Seneca canal, which was read and referred to the committee on claims.

Mr. Wheaton presented the petition of sundry inhabitants of Jefferson county, praying for the establishment of a system of free schools, which was read and referred to the committee on colleges, academies and common schools.

Mr. Gilbert, Mr. Pease, Mr. Leavenworth and Mr. Brinkerhoff, presented three several petitions of sundry citizens of Suffolk, Jefferson, Cayuga and Genesee counties, praying for the prohibition by law of sale of intoxicating drinks, which was read and referred to a select committee.

Mr. Gove, Mr. Carver and Mr. Rockwell presented five several petitions of mechanics and other citizens of this state, for the continuance of the Clinton prison, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. A. Robertson presented three several petitions of sundry citizens of Warren, Washington and Saratoga counties, for the construction of an aqueduct over the Hudson river near the Fort Miller dam, which were read and referred to the committee on canals.

Mr. Bailey presented four several remonstrances of sundry citizens of Greene county, against the division of said county and the erection of the county of Harrison, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Danforth and Mr. Sexton presented three several remonstrances of sundry inhabitants of Schoharie, against a division of said county, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Disosway and Mr. Boughton presented two several petitions of sundry merchants of New-York and inhabitants of Staten Island, for removal of the quarantine establishment at Staten Island, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bailey, Mr. Fish and Mr. Slocum presented three several remonstrances of sundry merchants, forwarders and others, against the passage of a law increasing the wharfage in the city of New-York, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Fish presented two several remonstrances of sundry citizens of West Troy, against the passage of the law to authorise the bridging of Lake Champlain at Rouse's Point, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Boardman presented the remonstrance of 127 electors of the county of Allegany, against any division of said county or removal of county buildings therein, which was read and referred to the committee on the internal affairs of towns and counties.

Mr. Elderkin presented the petition of sundry inhabitants of St.

Lawrence county, for the passage of a law to authorise the Northern Railroad Company to build a bridge over Lake Champlain at Rouse's Point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Pruyn presented the petition of sundry citizens of Albany, for the annexation of a portion of the 9th and 10th wards in said city to the town of Guilderland, and a resolution of the common council of said city, in favor of the same, which was read and referred to the committee on the erection and division of towns and counties.

Mr. A. Robertson presented the petition of Jonathan Polly, for a bridge over the Champlain canal near the guard lock, which was read and referred to the committee on grievances.

Mr. Pierce presented two several petitions of sundry citizens of this State, for an act for the better security of the wages of laborers on the public works of this state, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Woodruff presented the petition of sundry inhabitants of the town of Springwater, for the erection of a new county from parts of Livingston, Steuben and Allegany counties, which was read and referred to the committee on the erection and division of towns and counties.

Mr. Picket presented the memorial of sundry citizens of Madrid, in St. Lawrence co., for a law to oblige the grantees of certain lands and privileges to open and establish a lock navigation in pursuance of the acts of 1808 and 1811, which was read and referred to the committee on canals.

Mr. A. Robertson presented the petition of sundry citizens of Essex co., for the passage of an act to declare the public utility of a railroad from Whitehall to Plattsburgh, which was read and referred to the committee on railroads.

Mr. A. Tuttle presented the petition of sundry inhabitants of Greene co., for the erection of the new county of Harrison, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. McLean, from the committee on claims, to which was referred the petition of William Turner, late health commissioner, for the payment to him by the State of arrearages of compensation due him, reported and asked and obtained leave to introduce a bill, entitled "An act for the payment to William Turner, late health commissioner, of the amount in arrear and due him for his official services," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Goddard from the committee on the erection and division of towns and counties to which was referred the petition of inhabitants of the town of Cobleskill, Schoharie co., praying for a division of said town, and sundry remonstrances against the same, reported and asked and obtained leave to introduce a bill, entitled "An act to erect the town of Richmondville, in the county of Schoharie," which

was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Nash from the committee on the erection and division of towns and counties to which was referred the bill, entitled "An act to annex a part of the town of Oppenheim to the town of St. Johnsville," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Culbert from the committee on roads and bridges, to which were referred sundry petitions for the passage of an act to provide for laying out and constructing the Warren and Hamilton county road, reported and asked and obtained leave to introduce a bill, entitled "An act to provide for laying out and constructing the Warren and Hamilton county road," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. A. Johnson, from the committee on colleges, academies and common schools, to which was referred the petition of the towns of Hanover and Sheridan, in the county of Chautauque, for a law to vest certain powers in the trustees of school district No. 8, in said towns, reported and asked and obtained leave to introduce a bill, entitled "An act concerning school district No 8, in the towns of Hanover and Sheridan," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Rose from the select committee to which was referred the bill, entitled "An act to protect the woodlands in Suffolk co., against destruction by fires," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Rose from the select committee to which was referred the bill entitled "An act to amend an act concerning the laws, journals and documents of the Legislature, passed May 12, 1847," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Rose from the select committee to which was referred the bill entitled "An act to amend an act for the organization of the first division of the New-York State militia," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment.

Mr. Brewer moved the said report be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Brewer, and it was determined in the negative.

Mr. Brewer moved said bill be recommitted to the committee of the whole.

Mr. Rose moved said report be laid upon the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Rose, and it was determined in the affirmative.

Mr. Boughton from the select committee to which was referred the bill, entitled "An act relating to the erection of a town house in the town of New Utrecht," reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Boughton from the select committee to which was referred the bill entitled "An act to amend the charter of the Williamsburgh Fire Insurance Company," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Boughton from the select committee to which was referred the bill entitled "An act to provide for the appointment and payment of a clerk or clerks in the office of the Surrogate of the county of Kings," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. B. Thompson, from the select committee, to which was referred the bill entitled "An act to amend an act to incorporate the Buffalo Savings Bank, passed May, 9, 1846," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. B. Thompson, from the select committee, to which was referred the bill entitled "An act to amend an act entitled 'An act to consolidate and amend the act to incorporate the city of Buffalo, passed April 20, 1832, and the various acts amendatory thereof, passed April 17, 1843,'" to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Glass from the select committee, to which was referred the bill entitled "An act authorising the settlement of the claims of Amos B. King and James H. King, assignees of William M. King for work done on Erie canal enlargement, and materials furnished by them," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Crispell from the select committee to which was referred the bill entitled "An act granting to George F. Von Beck, the right to establish a ferry across the Rondout Creek," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Crispell, from the select committee, to which was referred the bill entitled "An act in relation to the dog tax in the county of Ulster," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Crispell from the select committee to which was referred the bill entitled "An act to drain the Springtown swamp, in the town of New Paliz, in the county of Ulster," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Hale from the select committee, to which was referred the bill entitled "An act for the reappraisal and payment of damages of Aaron Knapp in the construction of the Leland Pond reservoir," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

Mr. Hudson from the committee on the internal affairs of towns and counties, to which was referred the petition of the supervisors of the town of Cohecton for a law to authorise the supervisor of said town, and the clerk of the board of supervisors of Sullivan co., to make and deliver to the collector of said town a warrant for the collection of taxes in said town in the year 1848, reported, and asked, and obtained leave to bring in a bill entitled "An act to provide for the collection of the unpaid taxes for the year 1848, in the town of Cohecton," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Campbell, from the select committee, to which was referred the bill entitled "An act to amend the charter of the St. Lawrence County Mutual Insurance Company," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Campbell from the select committee to which was referred the bill entitled "An act to amend an act to incorporate the Dry Dock Savings Institution in the city of New-York, passed April 12, 1818," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Cornell, from the select committee, to which was referred the engrossed bill from the Senate entitled "An act to change the name of Archibald Morrison Stone to Archibald Morrison Morrison," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be read a third time.



Mr. Markel from the select committee to which was referred the bill entitled "An act to authorise the commissioners of highways of the town of Waterloo to borrow money," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Carver from the select committee to which was referred the bill entitled "An act authorising the inspectors of state prisons to administer oaths and take the affidavits of the officers of the state prisons," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act authorising the inspectors of state prisons to administer oaths and take affidavits in certain cases," which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Fitzhugh, from the select committee, to which was referred the bill entitled "An act to amend an act entitled 'An act to organize and establish a recorder's court in the city of Oswego, passed April 12, 1848,'" to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Button from the select committee to which was referred the bill entitled "An act to amend an act entitled 'An act in relation to suits against district school officers, passed May 1, 1847,'" to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Wisewell, from the select committee to which was referred the bill entitled "An act to provide for building a bridge across the outlet of the Crooked lake in the town of Milo," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Brewer from the select committee to which was referred the bill entitled "An act to amend the act to secure the faithful expenditure of the monies raised and collected for certain charitable institutions in the first Senate district, passed May 13, 1840," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. Graham, from the select committee to which was referred the bill entitled "An act to incorporate the village of Rondout," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered,* That the said bill be engrossed for a third reading.

Mr. L. M. Gilbert from the select committee, to which was referred the engrossed bill from the Senate entitled "An act to amend

chapter two hundred and fourteen of the laws of eighteen hundred and forty-two, in relation to the poor laws," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That said bill be read a third time.

Mr. Leavenworth from the select committee to which was referred the bill entitled "An act to confirm the official acts of Sylvanus D. Thompson, a justice of the peace of the town of Savannah," to report complete, reported that the committee had gone through said bill, and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Fiske from the select committee to which was referred the bill, entitled "An act to provide for supplying the city of Brooklyn with water for the extinguishment of fires and for the use of its inhabitants," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bush from the select committee to which was referred the bill entitled "An act to amend the charter of Cohecton bridge company," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Pruyn from the select committee to which was referred the bill, entitled "An act to close and discontinue Diagonal-street, in the city of Albany," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Terry from the select committee to which was referred the bill, entitled "An act to amend an act entitled, 'An act to extend Third-street east, in the village of Jamestown, to Second-street,' passed April 10, 1848," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bailey from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to amend the charter of the Jefferson county institute," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Woodruff from the select committee to which was referred the bill, entitled "An act to annex a part of the town of Sparta to the town of North Dansville," to report complete, reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagley from the select committee to which was referred the bill, entitled "An act to authorise the appointment of criers of courts in the several counties of this State," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagley from the select committee to which was referred the bill, entitled "An act to confirm the official acts of Sylvester Reed as a justice of the peace of the town of Brownville," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagley from the select committee to which was referred the bill, entitled "An act to amend title 2, of chapter 16, of the first part of the Revised Statutes, entitled 'of the regulation of ferries,'" to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagley from the select committee to which was referred the bill, entitled "An act to authorise surrogates to take acknowledgments of deeds and to administer oaths," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Bagley from the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act to provide for the collection of fees of certain judicial and other officers," reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

On motion of Mr. Bagley,

*Ordered*, That the said bill be read a third time.

Mr. Cornell from the select committee to which was referred the engrossed bill from the Senate, entitled "An act to extend the remedies at law against foreign insurance companies," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Pease from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows, to wit:

"An act to provide for the incorporation of insurance companies."

"An act authorising the appraisal and payment of canal damages to Perkins E. Hayes."

"An act to amend an act to subject monied or stock corporations to assessment for highway labor, passed May 15, 1837."

"An act to release the interest of the state in certain lands of which David Darrah died possessed, to Susan Darrah, his wife."

And found the same correctly engrossed.

*Ordered*, That said bills be read a third time.

Mr. Disosway, from the select committee, to which was referred

the bill entitled "An act to authorise the commissioners of highways of the town of Northfield to lease certain town property," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

On motion of Mr. Culbert, and by unanimous consent,

*Resolved*, That the bill annexing part of the town of Oppenheim, in the county of Fulton, to St. Johnsville, in the county of Montgomery, be recommitted to the committee on the erection and division of towns and counties.

Mr. Bowen from the select committee, to which was referred the petition of the mayor, aldermen and commonalty of the city of New-York, for a law to enable the supervisors of said city to raise money by tax, reported, and asked and obtained leave to bring in a bill, entitled "An act to enable the city of New-York to raise money by tax," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

By unanimous consent,

Mr. Elderkin asked for and obtained leave to bring in a bill, entitled "An act to amend the Revised Statutes relative to the funds, revenues, expenditures and property of the state, and the administration thereof," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on ways and means.

Leave of absence was granted to Mr. Parlee and Mr. Cross for six days each, to Mr. Roblee for five days, to Mr. Prescott for one day, and Mr. McKinney for six days.

The engrossed bill entitled "An act to erect the town of Rakawana from the towns of Cheektowaga, Black Rock, and Hamburg," was read the first time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 80 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Richards
Mr. Averill	Mr. L. M. Gilbert	Mr. A. Robertson
Mr. Bagley	Mr. Glass	Mr. W. H. Robertson
Mr. Bailey	Mr. Goddard	Mr. Rose
Mr. Barber	Mr. Gove	Mr. Rounseville
Mr. Beekman	Mr. Graham	Mr. Sexton
Mr. Bellinger	Mr. Hale	Mr. Skeel
Mr. Boardman	Mr. Hall	Mr. Slocum
Mr. Boughton	Mr. Hammond	Mr. L. Ward Smith

Mr. Bowen	Mr. Hart	Mr. W. S. Smith
Mr. Boyce	Mr. Hoyt	Mr. Speaker
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Stevenson
Mr. Brewer	Mr. Kelsey	Mr. Terry
Mr. Budd	Mr. Kennedy	Mr. B. Thompson
Mr. Bull	Mr. Kidd	Mr. A. Tuttle
Mr. Bush	Mr. McLean	Mr. H. C. Tuthill
Mr. Button	Mr. McNeal	Mr. Van Orden
Mr. Campbell	Mr. Maine	Mr. Varnum
Mr. Carver	Mr. Markel	Mr. Vincent
Mr. Crittenden	Mr. Mowry	Mr. Wells
Mr. Danforth	Mr. Nash	Mr. Wheaton
Mr. Disosway	Mr. Pease	Mr. White
Mr. Dodge	Mr. Perley	Mr. Whittaker
Mr. Fish	Mr. Picket	Mr. Wilcox
Mr. Fitzhugh	Mr. Pierce	Mr. Woodruff
Mr. Fox	Mr. Prescott	Mr. Young
Mr. Gates	Mr. Pruyn	

80

*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate entitled "An act to amend chapter two hundred and fourteen of the laws of eighteen hundred and forty-two, in relation to the poor laws," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 82 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. A. Robertson
Mr. Averill	Mr. L. M. Gilbert	Mr. W. H. Robertson
Mr. Bagley	Mr. Glass	Mr. Rockwell
Mr. Bailey	Mr. Goddard	Mr. Rose
Mr. Barber	Mr. Graham	Mr. Rounseville
Mr. Beekman	Mr. Guernsey	Mr. Sexton
Mr. Bellinger	Mr. Hale	Mr. Skeel
Mr. Boardman	Mr. Hall	Mr. Slocum
Mr. Bowen	Mr. Hammond	Mr. L. Ward Smith
Mr. Boyce	Mr. Hart	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. A. Johnson	Mr. Stevens
Mr. Brewer	Mr. Kelsey	Mr. Stevenson
Mr. Budd	Mr. Kennedy	Mr. Terry
Mr. Bull	Mr. Kidd	Mr. B. Thompson
Mr. Bush	Mr. Leavenworth	Mr. A. Tuttle
Mr. Button	Mr. McNeal	Mr. H. C. Tuthill
Mr. L. Butts	Mr. Maine	Mr. Van Orden
Mr. Campbell	Mr. Markel	Mr. Varnum

Mr. Carver  
Mr. Crispell  
Mr. Crittenden  
Mr. Curtis  
Mr. Disosway  
Mr. Elderkin  
Mr. Fiske  
Mr. Fitzhugh  
Mr. Fox  
Mr. Gates

Mr. Nash  
Mr. Pease  
Mr. Perley  
Mr. Picket  
Mr. Porter  
Mr. Prescott  
Mr. Pruyn  
Mr. Raynor  
Mr. Richards

Mr. Vincent  
Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Wilcox  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

82

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to confirm the official acts of Sylvester Reed as a justice of the peace of the town of Brownsville," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 84 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen  
Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Barber  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. L. Butts  
Mr. Campbell  
Mr. Carver  
Mr. Crispell  
Mr. Crittenden  
Mr. Cross  
Mr. Curtis  
Mr. Danforth  
Mr. Disosway  
Mr. Dodge

Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Gove  
Mr. Graham  
Mr. Hale  
Mr. Hall  
Mr. Hammond  
Mr. Hart  
Mr. A. Johnson  
Mr. Kelsey  
Mr. Kennedy  
Mr. Kidd  
Mr. McLean  
Mr. McNeal  
Mr. Maine  
Mr. Markel  
Mr. Nash  
Mr. Pease  
Mr. Perley  
Mr. Picket  
Mr. Porter  
Mr. Prescott

Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose  
Mr. Rounseville  
Mr. Sexton  
Mr. Skeel  
Mr. Slocum  
Mr. L. Ward Smith  
Mr. Speaker  
Mr. Stevens  
Mr. Stevenson  
Mr. Terry  
Mr. B. Thompson  
Mr. A. Tuttle  
Mr. H. C. Tuthill  
Mr. Van Orden  
Mr. Varnum  
Mr. Vincent  
Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Wilcox  
Mr. Wing

Mr. Fish	Mr. Pruyn	Mr. Wisewell	
Mr. Fitzhugh	Mr. Raynor	Mr. Woodruff	
Mr. Fox	Mr. Richards	Mr. Young	84

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to annex a part of the town of Sparta to the town of North Dansville," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 79 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Raynor
Mr. Bagley	Mr. Glass	Mr. Richards
Mr. Bailey	Mr. Goddard	Mr. A. Robertson
Mr. Barber	Mr. Gove	Mr. W. H. Robertson
Mr. Beekman	Mr. Graham	Mr. Rockwell
Mr. Bellinger	Mr. Guernsey	Mr. Rose
Mr. Boardman	Mr. Hale	Mr. Rounseville
Mr. Boyce	Mr. Hall	Mr. Sexton
Mr. Brinkerhoff	Mr. Hammond	Mr. Skeel
Mr. Brewer	Mr. Hart	Mr. Slocum
Mr. Budd	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bull	Mr. A. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Terry
Mr. Campbell	Mr. Kidd	Mr. B. Thompson
Mr. Carver	Mr. McLean	Mr. A. Tuttle
Mr. Crispell	Mr. McNeal	Mr. H. C. Tuthill
Mr. Crittenden	Mr. Maine	Mr. Varnum
Mr. Curtis	Mr. Markel	Mr. Vincent
Mr. Danforth	Mr. Nash	Mr. Wells
Mr. Disosway	Mr. Pease	Mr. Wheaton
Mr. Dodge	Mr. Perley	Mr. White
Mr. Fish	Mr. Picket	Mr. Wilcox
Mr. Fitzhugh	Mr. Porter	Mr. Wisewell
Mr. Fox	Mr. Prescott	Mr. Woodruff
Mr. Gates	Mr. Pruyn	Mr. Young
Mr. A. Gilbert		

79

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act authorising the commissioners of highways of the town of Northfield to lease certain town property," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirma-

tive, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 81 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Fox	Mr. Pruyn
Mr. Averill	Mr. Gates	Mr. Raynor
Mr. Bagley	Mr. A. Gilbert	Mr. Richards
Mr. Bailey	Mr. L. M. Gilbert	Mr. A. Robertson
Mr. Barber	Mr. Glass	Mr. W. H. Robertson
Mr. Beekman	Mr. Goddard	Mr. Rockwell
Mr. Bellinger	Mr. Goff	Mr. Rose
Mr. Boardman	Mr. Graham	Mr. Rounseville
Mr. Boyce	Mr. Guernsey	Mr. Sexton
Mr. Brinkerhoff	Mr. Hale	Mr. Skeel
Mr. Brewer	Mr. Hall	Mr. Slocum
Mr. Budd	Mr. Hammond	Mr. L. Ward Smith
Mr. Bull	Mr. Hart	Mr. Stevens
Mr. Bush	Mr. A. Johnson	Mr. Stevenson
Mr. Button	Mr. Kelsey	Mr. B. Thompson
Mr. L. Butts	Mr. Kennedy	Mr. A. Tuttle
Mr. Campbell	Mr. Kidd	Mr. H. C. Tuthill
Mr. Carver	Mr. McLean	Mr. Varnum
Mr. Crispell	Mr. McNeal	Mr. Vincent
Mr. Crittenden	Mr. Maine	Mr. Wells
Mr. Curtis	Mr. Mowry	Mr. Wheaton
Mr. Danforth	Mr. Nash	Mr. White
Mr. Disosway	Mr. Pease	Mr. Whittaker
Mr. Dodge	Mr. Perley	Mr. Wilcox
Mr. Fish	Mr. Pickett	Mr. Wisewell
Mr. Fiske	Mr. Porter	Mr. Woodruff
Mr. Fitzhugh	Mr. Prescott	Mr. Young 81

*Ordered,* That the Clerk deliver the said resolution to the Senate and request their concurrence in the same.

The engrossed bill entitled "An act to protect the woodlands in Suffolk co., against destruction by fire," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 82 }  
{ NAYS 1 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Fox	Mr. Richards
Mr. Averill	Mr. Gates	Mr. A. Robertson
Mr. Bagley	Mr. A. Gilbert	Mr. W. H. Robertson



Mr. Bailey	Mr. L. M. Gilbert	Mr. Rockwell
Mr. Barber	Mr. Glass	Mr. Rose
Mr. Beekman	Mr. Goddard	Mr. Rounseville
Mr. Bellinger	Mr. Gove	Mr. Sexton
Mr. Boardman	Mr. Graham	Mr. Skeel
Mr. Boyce	Mr. Guernsey	Mr. Slocum
Mr. Brinkerhoff	Mr. Hall	Mr. W. S. Smith
Mr. Brewer	Mr. Hammond	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stevenson
Mr. Bull	Mr. Kelsey	Mr. Terry
Mr. Bush	Mr. Kennedy	Mr. B. Thompson
Mr. Button	Mr. Kidd	Mr. A. Tuttle
Mr. L. Butts	Mr. Leavenworth	Mr. H. C. Tuthill
Mr. Campbell	Mr. McLean	Mr. Van Orden
Mr. Carver	Mr. McNeal	Mr. Varnum
Mr. Cornell	Mr. Mowry	Mr. Vincent
Mr. Crispell	Mr. Nash	Mr. Wells
Mr. Crittenden	Mr. Pease	Mr. Wheaton
Mr. Curtis	Mr. Perley	Mr. White
Mr. Danforth	Mr. Picket	Mr. Whittaker
Mr. Disosway	Mr. Porter	Mr. Wilcox
Mr. Dodge	Mr. Prescott	Mr. Wisewell
Mr. Fiske	Mr. Pruyne	Mr. Woodruff
Mr. Fitzhugh	Mr. Raynor	Mr. Young

81

For the negative,

Mr. Hart

1

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate entitled "An act to provide for the collection of fees of certain judicial and other officers," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES	85 }
{ NAYS	00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. A. Gilbert	Mr. Richards
Mr. Averill	Mr. L. M. Gilbert	Mr. A. Robertson
Mr. Bagley	Mr. Glass	Mr. W. H. Robertson
Mr. Bailey	Mr. Goddard	Mr. Rockwell
Mr. Barber	Mr. Graham	Mr. Rose
Mr. Beekman	Mr. Guernsey	Mr. Rounseville
Mr. Bellinger	Mr. Hale	Mr. Sexton
Mr. Boardman	Mr. Hall	Mr. Skeel
Mr. Boughton	Mr. Hammond	Mr. Slocum

Mr. Boyce	Mr. Hart	Mr. W. S. Smith
Mr. Brinkerhoff	Mr. Hoyt	Mr. Stevens
Mr. Brewer	Mr. A. Johnson	Mr. Stevenson
Mr. Budd	Mr. Kelsey	Mr. Terry
Mr. Bull	Mr. Kennedy	Mr. B. Thompson
Mr. Bush	Mr. Kidd	Mr. A. Tuttle
Mr. Button	Mr. Leavenworth	Mr. H. C. Tuthill
Mr. L. Butts	Mr. McLean	Mr. Van Orden
Mr. Campbell	Mr. McNeal	Mr. Varnum
Mr. Carver	Mr. Maine	Mr. Vincent
Mr. Crispell	Mr. Mowry	Mr. Wells
Mr. Crittenden	Mr. Nash	Mr. Wheaton
Mr. Danforth	Mr. Perley	Mr. White
Mr. Disosway	Mr. Picket	Mr. Whittaker
Mr. Dodge	Mr. Pierce	Mr. Wilcox
Mr. Fish	Mr. Porter	Mr. Wing
Mr. Fiske	Mr. Prescott	Mr. Wisewell
Mr. Fitzhugh	Mr. Pruyn	Mr. Woodruff
Mr. Fox	Mr. Raynor	Mr. Young
Mr. Gates		

85

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to provide for the incorporation of insurance companies," was read a third time:

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 73 }  
{ NAYS 2 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Richards
Mr. Bagley	Mr. Glass	Mr. A. Robertson
Mr. Bailey	Mr. Goddard	Mr. W. H. Robertson
Mr. Barber	Mr. Goff	Mr. Rockwell
Mr. Beekman	Mr. Graham	Mr. Rose
Mr. Bellinger	Mr. Guernsey	Mr. Rounseville
Mr. Boardman	Mr. Hale	Mr. Sexton
Mr. Brinkerhoff	Mr. Hall	Mr. Skeel
Mr. Brewer	Mr. Hammond	Mr. Slocum
Mr. Bull	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bush	Mr. A. Johnson	Mr. Stevenson
Mr. Button	Mr. Kelsey	Mr. B. Thompson
Mr. L. Butts	Mr. Kennedy	Mr. A. Tuttle
Mr. Campbell	Mr. Kidd	Mr. H. C. Tuthill
Mr. Carver	Mr. Leavenworth	Mr. Varnum
Mr. Crispell	Mr. McLean	Mr. Vincent

Mr. Crittenden  
Mr. Curtis  
Mr. Danforth  
Mr. Disosway  
Mr. Fish  
Mr. Fiske  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert

Mr. McNeal  
Mr. Markel  
Mr. Pease  
Mr. Perley  
Mr. Picket  
Mr. Porter  
Mr. Prescott  
Mr. Pruyn

Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Whittaker  
Mr. Wilcox  
Mr. Wisewell  
Mr. Woodruff  
Mr. Young

73

Those who voted in the negative are,

Mr. Averill

Mr. W. S. Smith

2

*Ordered*, That the Clerk deliver said bill to the Senate, and request their concurrence in the same.

The engrossed bill entitled "An act to preserve the fish in certain portions of the Unadilla river," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 68 }  
{ NAYS 07 }

Those who voted in the affirmative are,

Mr. H. J. Allen  
Mr. Averill  
Mr. Bagley  
Mr. Bailey  
Mr. Barber  
Mr. Beekman  
Mr. Bellinger  
Mr. Boardman  
Mr. Boyce  
Mr. Brinkerhoff  
Mr. Brewer  
Mr. Budd  
Mr. Bull  
Mr. Bush  
Mr. Button  
Mr. Campbell  
Mr. Carver  
Mr. Crispell  
Mr. Crittenden  
Mr. Curtis  
Mr. Danforth  
Mr. Dodge  
Mr. Fiske

Mr. Fitzhugh  
Mr. Fox  
Mr. Gates  
Mr. A. Gilbert  
Mr. L. M. Gilbert  
Mr. Glass  
Mr. Goddard  
Mr. Graham  
Mr. Guernsey  
Mr. Hall  
Mr. Hammond  
Mr. Hoyt  
Mr. A. Johnson  
Mr. Kennedy  
Mr. Kidd  
Mr. Leavenworth  
Mr. McLean  
Mr. McNeal  
Mr. Markel  
Mr. Nash  
Mr. Pease  
Mr. Perley  
Mr. Picket

Mr. Prescott  
Mr. Pruyn  
Mr. Raynor  
Mr. Richards  
Mr. A. Robertson  
Mr. W. H. Robertson  
Mr. Rockwell  
Mr. Rose  
Mr. Skeel  
Mr. Slocum  
Mr. L. Ward Smith  
Mr. Stevens  
Mr. Terry  
Mr. H. C. Tuttle  
Mr. Vincent  
Mr. Wells  
Mr. Wheaton  
Mr. White  
Mr. Wilcox  
Mr. Ward  
Mr. Wisewell  
Mr. Woodruff

68

Those who voted in the negative are,

Mr. Elderkin	Mr. Mowry	Mr. Sexton
Mr. Hart	Mr. Rounseville	Mr. Young
Mr. Kelsey		

7

Ordered, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to amend an act to subject monied corporations to assessment for highway labor, passed May 15, 1837," was read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 79 }  
{ NAYS 01 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. L. M. Gilbert	Mr. Pruyn
Mr. Averill	Mr. Glass	Mr. Richards
Mr. Bagley	Mr. Goddard	Mr. W. H. Robertson
Mr. Bailey	Mr. Graham	Mr. Rose
Mr. Barber	Mr. Guernsey	Mr. Rounseville
Mr. Boardman	Mr. Hale	Mr. Sexton
Mr. Boughton	Mr. Hall	Mr. Skeel
Mr. Bowen	Mr. Hammond	Mr. Slocum
Mr. Brinkerhoff	Mr. Hart	Mr. W. S. Smith
Mr. Brewer	Mr. Hoyt	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stevenson
Mr. Bull	Mr. Kelsey	Mr. Terry
Mr. Bush	Mr. Kennedy	Mr. B. Thompson
Mr. Button	Mr. Kidd	Mr. A. Tuttle
Mr. Campbell	Mr. Leavenworth	Mr. H. C. Tuthill
Mr. Carver	Mr. McLean	Mr. Van Orden
Mr. Crispell	Mr. McNeal	Mr. Varnum
Mr. Crittenden	Mr. Maine	Mr. Vincent
Mr. Curtis	Mr. Markel	Mr. Wells
Mr. Disosway	Mr. Mowry	Mr. Wheaton
Mr. Elderkin	Mr. Nash	Mr. White
Mr. Fish	Mr. Pease	Mr. Whittaker
Mr. Fiske	Mr. Perley	Mr. Wilcox
Mr. Fitzhugh	Mr. Picket	Mr. Wisewell
Mr. Fox	Mr. Porter	Mr. Woodruff
Mr. Gates	Mr. Prescott	Mr. Young
Mr. A. Gilbert		

79

For the negative,

Mr. Culbert

1

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to incorporate the Methodist Episcopal church, Garretson station, Albany," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 78 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Elderkin	Mr. Picket
Mr. Averill	Mr. Fiske	Mr. Porter
Mr. Bagley	Mr. Fitzhugh	Mr. Prescott
Mr. Bailey	Mr. Fox	Mr. Pruyn
Mr. Barber	Mr. Gates	Mr. Richards
Mr. Beekman	Mr. A. Gilbert	Mr. W. H. Robertson
Mr. Bellinger	Mr. L. M. Gilbert	Mr. Rose
Mr. Boardman	Mr. Glass	Mr. Rounseville
Mr. Boughton	Mr. Goddard	Mr. Sexton
Mr. Bowen	Mr. Graham	Mr. Skeel
Mr. Brinkerhoff	Mr. Guernsey	Mr. Slocum
Mr. Brewer	Mr. Hall	Mr. L. Ward Smith
Mr. Budd	Mr. Hammond	Mr. Stevens
Mr. Bull	Mr. A. Johnson	Mr. Stevenson
Mr. Bush	Mr. Kelsey	Mr. Terry
Mr. Button	Mr. Kennedy	Mr. A. Tuttle
Mr. L. Butts	Mr. Kidd	Mr. H. C. Tuthill
Mr. Campbell	Mr. Leavenworth	Mr. Van Orden
Mr. Carver	Mr. McLean	Mr. Varnum
Mr. Cornell	Mr. McNeal	Mr. Wells
Mr. Crispell	Mr. Maine	Mr. White
Mr. Crittenden	Mr. Mersereau	Mr. Whittaker
Mr. Curtis	Mr. Mowry	Mr. Wilcox
Mr. Danforth	Mr. Nash	Mr. Wisewell
Mr. Disosway	Mr. Pease	Mr. Woodruff
Mr. Dodge	Mr. Perley	Mr. Young

78

*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act authorising the appraisal and payment of canal damages to Perkins E. Hayes," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows :

{ AYES 86 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Fitzhugh	Mr. Pruyn
Mr. Averill	Mr. Fox	Mr. Raynor
Mr. Bagley	Mr. Gates	Mr. Richards
Mr. Bailey	Mr. A. Gilbert	Mr. A. Robertson
Mr. Barber	Mr. L. M. Gilbert	Mr. W. H. Robertson
Mr. Beekman	Mr. Glass	Mr. Rockwell
Mr. Bellinger	Mr. Goddard	Mr. Rose
Mr. Boardman	Mr. Graham	Mr. Rounseville
Mr. Boughton	Mr. Guernsey	Mr. Sexton
Mr. Bowen	Mr. Hale	Mr. Skeel
Mr. Boyce	Mr. Hall	Mr. Slocum
Mr. Brinkerhoff	Mr. Hammond	Mr. L. Ward Smith
Mr. Brewer	Mr. Hoyt	Mr. Stevens
Mr. Budd	Mr. A. Johnson	Mr. Stevenson
Mr. Bull	Mr. Kelsey	Mr. Terry
Mr. Bush	Mr. Kennedy	Mr. B. Thompson
Mr. Button	Mr. Kidd	Mr. A. Tuttle
Mr. L. Butts	Mr. Leavenworth	Mr. H. C. Tuthill
Mr. Campbell	Mr. McKinney	Mr. Van Orden
Mr. Carver	Mr. McLean	Mr. Varnum
Mr. Cornell	Mr. McNeal	Mr. Vincent
Mr. Crispell	Mr. Markel	Mr. Wells
Mr. Crittenden	Mr. Mersereau	Mr. Wheaton
Mr. Curtis	Mr. Mowry	Mr. White
Mr. Disosway	Mr. Nash	Mr. Wilcox
Mr. Dodge	Mr. Pease	Mr. Wisewell
Mr. Elderkin	Mr. Perley	Mr. Woodruff
Mr. Fish	Mr. Pickett	Mr. Young
Mr. Fiske	Mr. Prescott	

86

*Ordered,* That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill, entitled "An act to release the interest of the State in certain lands of which David Darrah died possessed, to Susan Darrah, his wife," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 87 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. H. J. Allen	Mr. Gates	Mr. Pruyn
Mr. Averill	Mr. A. Gilbert	Mr. Raynor

Mr. Bagley	Mr. L. M. Gilbert	Mr. Richards
Mr. Bailey	Mr. Glass	Mr. A. Robertson
Mr. Bellinger	Mr. Goddard	Mr. W. H. Robertson
Mr. Boardman	Mr. Goff	Mr. Rockwell
Mr. Boughton	Mr. Graham	Mr. Rose
Mr. Bowen	Mr. Guernsey	Mr. Rounseville
Mr. Boyce	Mr. Hale	Mr. Sexton
Mr. Brinkerhoff	Mr. Hall	Mr. Skeel
Mr. Brewer	Mr. Hammond	Mr. Slocum
Mr. Budd	Mr. Hoyt	Mr. W. S. Smith
Mr. Bull	Mr. A. Johnson	Mr. Stevens
Mr. Bush	Mr. Kelsey	Mr. Stevenson
Mr. Button	Mr. Kennedy	Mr. Terry
Mr. L. Butts	Mr. Kidd	Mr. B. Thompson
Mr. Campbell	Mr. Leavenworth	Mr. A. Tuttle
Mr. Carver	Mr. McLean	Mr. H. C. Tuthill
Mr. Cornell	Mr. McNeal	Mr. Van Orden
Mr. Crispell	Mr. Maine	Mr. Vincent
Mr. Crittenden	Mr. Markel	Mr. Wells
Mr. Curtis	Mr. Mersereau	Mr. Wheaton
Mr. Danforth	Mr. Mowry	Mr. White
Mr. Disosway	Mr. Nash	Mr. Whittaker
Mr. Dodge	Mr. Pease	Mr. Wilcox
Mr. Fish	Mr. Perley	Mr. Wing
Mr. Fiske	Mr. Picket	Mr. Wisewell
Mr. Fitzhugh	Mr. Porter	Mr. Woodruff
Mr. Fox	Mr. Prescott	Mr. Young

87

*Ordered*, That the Clerk deliver the said bill to the Senate, and request their concurrence in the same.

On motion of Mr. White,

*Resolved*, That the Albany and West Stockbridge Railroad Company be directed to report to this House forthwith, under the oath of the proper officer, the charge per mile for transporting passengers, baggage and freight from Albany to the state line, and also whether they receive any different amount for such passengers, baggage or freight in the event of the same going on to Boston or elsewhere from said state line, from what they receive if such passengers, baggage or freight stop at said state line, or go on over the Housatonic railroad. Also what difference, (if any) exists in the charges on said road and those on the Great Western railroad. And also whether any discrimination or difference in rate of charge is made, (and if so, what) in respect to the route and proposed stopping place of any passengers, baggage or freight over said Albany and West Stockbridge road, and if so what is the reason of such discrimination or difference. Also how much more is charged to transport passengers, baggage or freight to Boston over said road, than to transport passengers, baggage or freight to the state line. Also whether any agreement, understanding or arrangement (and if so, what) exists between them and the

said Western Railroad Company, or any other company in respect to charges for transporting passengers, baggage or freight.

The House then resolved itself into a committee of the whole on the special order of the day, it being the bills entitled as follows, to wit:

"An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route."

"An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to Lake Champlain, passed May 14, 1845;"

And after some time spent thereon, Mr. Speaker resumed the chair, and Mr. Bailey from said committee reported progress, and asked and obtained leave to sit again.

Mr. White moved that said bills be made the special order for Tuesday next at twelve o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. White, and it was determined in the affirmative.

Mr. Pruyn moved that the order of business of third reading of bills be laid on the table.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Pruyn, and it was determined in the affirmative.

Mr. Perley moved that the bill entitled "An act to continue in office the commissioners on practice and pleadings," be made the special order for Wednesday next at twelve o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Perley, and it was determined in the affirmative.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bills entitled "An act to authorise Nicholas Ochman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Averill,

*Ordered*, That said bill be read a third time.

"An act to authorise Peter Newman, an alien, to hold and convey real estate, and to confirm conveyances heretofore made," which was read the first time, and by unanimous consent was also read a second time.

On motion of Mr. Averill,

*Ordered*, That said bill be read a third time.

"An act authorising the executors and trustees of Thomas Poole, formerly of Brooklyn, deceased, to sell certain portions of his real estate," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the judiciary.

"An act to provide for the government of the departments of alms and penitentiary in the city and county of New-York," which was read



the first time and by unanimous consent was also read a second time, and referred to a select committee consisting of the New-York delegation.

"An act to erect the town of Fish from the town of Butternuts, Otsego county," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the erection and division of towns and counties.

"An act amendatory of the act entitled 'An act to authorise the business of banking,' passed April 18, 1838, and acts amending the same," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on banks and insurance companies.

"An act in addition to and amendatory of the act, entitled 'An act for the relief of the president, directors and company of the Brooklyn Bank,' passed April 29, 1840," which was read the first time and by unanimous consent was also read a second time and referred to the committee on banks and insurance companies.

"An act granting certain lands under water in Phillipstown, Putnam co., to Ward B. Howard," which was read the first time and by unanimous consent was also read a second time and committed to the committee on public lands.

"An act authorising the superintendents of the poor in the county of Essex to enlarge and repair the county poor house of said county," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the internal affairs of towns and counties.

"An act to authorise the executors of the last will and testament of Isaac Moses to make a sale of certain lands," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the judiciary.

"An act concerning moneys received for excise duties in the county of Orleans," which was read the first time and by unanimous consent was also read the second time and committed to the committee on the internal affairs of towns and counties.

"An act to remit any liabilities and forfeitures incurred by Benjamin W. Corwin of Mount Hope in the county of Orange, by acting as a justice of the peace," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the judiciary.

The Senate returned the engrossed bills entitled "An act to confirm the official acts of Jesse Rosecrance, a justice of the peace of the town of Candor," "An act to annex a part of the town of Canajoharie to the town of Minden," "An act to enable the mayor, aldermen, and commonalty of the city of New-York to extend the Croton water works," "An act to amend an act to incorporate the Brooklyn city hospital, passed May 8, 1845," "An act to authorise the mayor and common council of the city of Brooklyn to create a loan for the purpose of erecting a city hall in said city," "An act to amend an act to incorporate the Saugerties and Woodstock Turnpike Road Company," passed April 1828, "An act to extend the time for call-

ing in the capital stock of the Union steam cotton mills," with messages informing that they have concurred in the said bills severally, without amendment.

*Ordered*, That the Clerk deliver said bills to the Governor.

In pursuance of previous notice Mr. Richards asked for and obtained leave to bring in a bill entitled "An act to amend an act entitled 'An act to incorporate the village of Attica,' passed May 2, 1837," which was read the first time and by unanimous consent was also read a second time and referred to the committee on the incorporation of cities and villages.

A message from the Governor in relation to the natural history of the state, the expense of engraving for the same, and the salary of the state geologists, was received and read.

(*See Doc. No. 154.*)

Mr. Cornell moved the said message be referred to a select committee with power to send for persons and papers.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Cornell, and it was determined in the affirmative.

*Ordered*, That Mr. Cornell, Mr. Fitzhugh, Mr. Sweet, Mr. Elderkin and Mr. Wing be such committee.

Mr. Elderkin moved the House do reconsider its vote making the bills entitled "An act to declare the public utility of a railroad from the city of Syracuse to the city of Rochester on the most direct and eligible route," "An act to amend an act to provide for the construction of a railroad from the navigable waters of the great western lakes to lake Champlain, passed May 14, 1845," a special order for Tuesday next at 12 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Elderkin, and it was determined in the affirmative.

Mr. Elderkin moved said bills be made the special order for Monday next at 12 o'clock.

Mr. Speaker put the question whether the House would agree to the said motion of Mr. Elderkin, and it was determined in the affirmative.

And then at 2½ o'clock p. m.,

On motion of Mr. Varnum,  
The House adjourned.

MONDAY, MARCH 12, 1849.

The House met pursuant to adjournment.

Prayer by the Rev. W. H. Waggoner.

The minutes of Saturday were read and approved.

Mr. Mowry presented the petition of inhabitants of the town of Easton, Washington co., praying for the passage of an act to declare the public utility of a railroad from Troy to Rutland, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Hale presented the petition of inhabitants of the town of Burns for the passage of an act to declare the public utility of a railroad from Buffalo to Hornellsville, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Slocum presented the remonstrance of the judges of the 5th judicial district, and 140 other inhabitants of the city of Syracuse, against the passage of a law locating the Chancellor's library at Rochester, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Gates presented the petition of sundry inhabitants of the town of Rodman, for an act to authorise them to raise money by tax, to build bridges in said town, which was read and referred to the committee on roads and bridges.

Mr. Rockwell presented the remonstrance of inhabitants of Washington, Essex and Clinton counties, against the bridging of Lake Champlain at Rouse's point, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Bagley presented the resolution of the supervisors of Rensselaer county, in favor of the appointment of separate officers to perform the duties of county judge and surrogate, which was read and referred to the committee on the judiciary.

Mr. Carver presented two several petitions of mechanics and other citizens of the State of New-York, praying for the continuance of the Clinton prison, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Rounseville presented the petition of inhabitants of the city of Albany, praying for the improvement of the steamboat landings of said city, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Rockwell presented the petition of sundry citizens of this state praying for an appropriation to improve the navigation of the upper waters of the Hudson river, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. Butts presented the petition of Luman Searle and his wife Susan, and sundry other persons, praying for the passage of an act granting a divorce between the said Luman Searle and his wife, which

was read and referred to the committee of the whole when on the bill in relation to divorces.

Mr. W. S. Smith presented the remonstrance of citizens of Newtown, Queens co., against a division of that town, which was read and referred to the committee on the erection and division of towns and counties.

Mr. McLean presented the remonstrance of inhabitants of Lakeville against deepening the outlet of Conesus lake, which was read and referred to the committee on canals.

Mr. Raynor presented the petition of citizens of Erie co., praying for the passage of a law allowing live stock and fresh provisions to pass over railroads free of tolls, which was read and referred to the committee on canals.

Mr. Varnum, Mr. Beekman, Mr. Brewer, Mr. A. Gilbert, Mr. H. J. Allen, Mr. Bull, Mr. Rounseville, Mr. Dodge, Mr. Rockwell and Mr. Fiske, presented twelve several memorials of citizens of the city and county of New-York, praying for a reorganization of the departments of alms and penitentiary in said city, which was read and referred to a select committee consisting of the New-York delegation.

Mr. Boardman, Mr. Mersereau, and Mr. Willard, presented eight several remonstrances of inhabitants of Allegany, Delaware and Steuben counties against the erection of a new county from parts of said counties, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Culbert presented two several petitions of citizens of Hamilton county, praying for the passage of a law to provide for laying out a road from Johnsburch in the county of Warren, to Wells in the county of Hamilton, which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Mersereau and Mr. Terry presented two several petitions, praying for the passage of a law to prohibit the sale of intoxicating drinks, which were read and referred to a select committee.

Mr. Danforth presented two several remonstrances of citizens of Schoharie county, against any division of said county, which were read and referred to the committee on the erection and division of towns and counties.

Mr. Stewart and Mr. Skeel, presented two several petitions of citizens of this state, praying for the establishment of a professorship of agricultural science in the Central college in Cortland co., which were read and referred to the committee of the whole when on the bill upon that subject.

Mr. Tuttle presented the petition of sundry inhabitants of Blenheim in the county of Schoharie, praying for the erection of the county of Harrison, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. L. Butts presented the remonstrance of sundry inhabitants of the town of Davenport and Kortright, against taking any part of the territory of Delaware county for the formation of the counties of

Patterson and Harrison, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Disosway presented the petition of sundry citizens of Staten Island, praying for the removal of the quarantine establishment on Staten Island, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Tuttle presented the petition of sundry inhabitants of Windham, Greene county, praying for the annexation of a part of the town of Hunter in said county, to the town of Windham, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. J. E. Thompson presented the petition of sundry citizens of Bainbridge, Chenango county, praying for the erection of the new county of Patterson, which was read and referred to the committee of the whole when on the bill upon that subject.

Mr. Fox presented the memorial of sundry inhabitants of the town of Richland, Oswego county, against enlarging the corporation of the village of Pulaski, which was read and referred to the committee on the incorporation of cities and villages.

Mr. Markel presented the petition of forwarders and other inhabitants of Seneca county, against an act to increase wharfage duties in the cities of New-York and Brooklyn, which was read and referred to the committee of the whole House when on the bill upon that subject.

Mr. Bailey, from the committee on the judiciary, to which was referred the bill entitled "An act to amend an act entitled 'An act for the more effectual protection of the property of married women,'" reported that the committee had examined said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bailey from the committee on the judiciary to which was referred the bill entitled "An act supplementary to an act for the more effectual protection of the property of married women, passed April 7, 1848," reported that the committee had gone through said bill, and come to the conclusion that the same ought not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bailey, from the committee on the judiciary, to which was referred the engrossed bill from the Senate entitled "An act to amend an act entitled 'An act for the more effectual protection of the property of married women,'" reported that the committee had gone through said bill, made sundry amendments thereto, and saw no reason why the same as amended should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bailey from the committee on the judiciary, to which was referred the petition of sundry inhabitants of the village of Oneida,

Madison co., for a law to confer power on justices of the peace and trustees in said village, reported, and asked and obtained leave to bring in a bill entitled "An act in relation to the trustees of the village of Oneida, in the county of Madison," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bailey from the committee on the judiciary, to which was referred the petition of sundry inhabitants of Rosendale for a law to confirm the official acts of Jacob Van Keuren, a commissioner of highways in said town, reported, and asked and obtained leave to bring in a bill entitled "An act to confirm the official acts of Jacob Van Keuren, a commissioner of highways of the town of Rosendale," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Bailey from the committee on the judiciary, to which was referred the bill entitled "An act in relation to surrogates' courts," reported that the committee had had said bill under consideration and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bailey from the committee on the judiciary, reported the bill entitled "An act in relation to suits upon promissory notes and bills of exchange," which was read the first time, and by unanimous consent was also read the second time and committed to the committee of the whole House.

Mr. Bailey, from the committee on the judiciary, to which was referred the petition of Archibald Watt, for the institution of courts for the precognition of pleas for the purpose of abating litigation and cheapening the procurement of justice, reported against the prayer of the petitioner, and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioner ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bagley from the committee on the judiciary, to which was referred the engrossed bill entitled "An act to change the name of Charles W. Cobleigh to Charles W. McCune," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley from the committee on the judiciary, to which was referred the engrossed bill from the Senate entitled "An act to amend the 133d section of the act entitled 'An act to simplify and abridge the practice, pleadings and proceedings of the courts of this state, passed April 12, 1848,'" reported that the committee had had said

bill under consideration and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to the committee of the whole House.

Mr. Bagley from the committee on the judiciary to which was referred the engrossed bill from the Senate entitled "An act to authorise county judges to change the times for holding the county courts in and for their respective counties," reported that the committee had had said bill under consideration, and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley from the committee on the judiciary to which was referred the engrossed bill entitled "An act to remit any liabilities and forfeitures incurred by Benjamin W. Corwin, of Mount Hope, in the county of Orange, by acting as a justice of the peace," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley from the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act to prevent the collection of more than one bill of costs in several actions on one instrument," reported that the committee had gone through said bill and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the bill, entitled "An act to repeal section third of an act passed January 26, 1821, entitled 'An act to perpetuate certain testimony respecting the title of the Pultney estate in this State,'" reported that the committee had gone through said bill, and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Bagley, from the committee on the judiciary, to which was referred the petition of the board of supervisors of Chautauque for the election of two local officers to discharge the duties of judge and surrogate in said county, reported and asked and obtained leave to introduce a bill, entitled "An act to authorise the election of separate officers to perform the duties of county judge and surrogate in the county of Chautauque," which was read the first time and by unanimous consent was also read a second time, and committed to the committee of the whole House.

Mr. Bagley from the committee on the judiciary to which was referred the petition of inhabitants of the State of New-York for an amendment of the constitution, abolishing all distinction of color in the qualification of electors, reported against the prayer of the peti-

tioners and offered for the consideration of the House, a resolution in the words following, to wit:

*Resolved*, That the prayer of the petitioners ought not to be granted.

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

Mr. Bagley from the committee on the judiciary to which was referred the bill, entitled "An act for the relief of insolvent debtors and for the sequestration and distribution of their effects among their creditors," reported that the committee had gone through said bill and agreed to the same with amendments, which report was agreed to.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Boughton from the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act to authorise the executors of the last will and testament of Isaac Moser to make a sale of certain lands," reported that the committee had examined the said bill, and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Boughton from the committee on the judiciary to which was referred the engrossed bill from the Senate, entitled "An act authorising the executors and trustees of Thomas Pool, formerly of Brooklyn, deceased, to sell certain portions of his real estate," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Boughton from the committee on the judiciary to which was referred the bill, entitled "An act to amend the act in relation to telegraph companies," reported that the committee had gone through said bill and come to the conclusion that the same ought not to be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. Nash from the committee on the erection and division of towns and counties to which was referred the petition of inhabitants of Lyme, Jefferson co., for the division of said town, reported and asked and obtained leave to introduce a bill, entitled "An act to erect the town of Cape Vincent in Jefferson county," which was read the first time, and by unanimous consent was also read a second time, and committed to a committee of the whole House.

Mr. Campbell from the committee on banks and insurance companies to which was referred the petition of the Nautilus Mutual Insurance company, for the amendment of their charter, reported and asked and obtained leave to introduce a bill, entitled "An act to amend the charter of the Nautilus Mutual Insurance company of the city of New-York," which was read the first time and by unanimous consent was also read a second time, and committed to a committee of the whole House.



Mr. Campbell from the committee on banks and insurance companies, to which was referred the engrossed bill from the Senate, entitled "An act amendatory of the act entitled 'An act to authorise the business of banking, passed April 18, 1838, and the acts amending the same,'" reported that the committee had examined said bill and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Disosway from the committee on banks and insurance companies to which was referred the engrossed bill from the Senate, entitled "An act to incorporate the Syracuse savings institution," reported that the committee had examined the said bill and saw no reason why the same should not be passed into a law.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Stevenson from the committee on charitable and religious societies, to which was referred the petition of the trustees of the Baptist church and congregation of the town of Southport and Elmira, Chemung co., reported, and asked, and obtained leave to bring in a bill entitled "An act to legalize the trustees of the Baptist church and congregation of the towns of Southport and Elmira," which was read the first time, and by unanimous consent was also read the second time, and committed to a committee of the whole House.

Mr. Bowen from the select committee to which was referred the memorial of the mayor, aldermen, and commonalty of the city of New-York, for the establishment of a work house in said city, reported, and asked, and obtained leave to bring in a bill entitled "An act for the establishing of a work house for the employment of persons committed to the city prisons and almshouse in the city of New-York," which was read the first time and by unanimous consent was also read the second time and committed to a committee of the whole House.

Mr. Kidd from the select committee, to which was referred the bill entitled "An act to provide for liquidating the claims of Horace Hotchkiss and William P. Smith against the agent of the Sing Sing prison," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered,* That the said bill be committed to a committee of the whole House.

Mr. Pease from the committee on engrossed bills, reported that said committee had examined the bills, entitled as follows, to wit:

"An act to amend an act entitled 'An act in relation to suits against district school officers,' passed May 1, 1847."

"An act to authorise surrogates to take acknowledgments of deeds and to administer oaths."

"An act to amend an act concerning the laws, journals, and documents of the Legislature, passed May 12, 1847."

"An act authorising the settlement of the claim of Amos B. King

and James H. King assignees of William M. King for work done on the Erie canal enlargement and for materials furnished by them."

"An act for the reappraisal and payment of damages of Aaron Knapp, in the construction of the Leland Pond reservoir."

"An act to amend an act to secure the faithful expenditure of moneys raised and collected for certain charitable institutions in the first Senate district, passed May 13, 1840."

"An act to close and discontinue Diagonal street in the city of Albany."

"An act relating to the erection of a town house in the town of New Utrecht."

"An act in relation to the dog tax in the county of Ulster."

"An act authorising the inspectors of state prisons to administer oaths and take affidavits in certain cases."

"An act to amend an act entitled 'An act to organise and establish a recorders' court in the city of Oswego,' passed April 12, 1848."

"An act to drain the Springtown swamp, in the town of New Paltz, in the county of Ulster."

"An act to amend the charter of the St. Lawrence County Mutual Insurance Company."

"An act to amend an act to incorporate the Dry Dock Savings Institution in the city of New-York, passed April 12, 1848."

"An act to authorise the commissioners of highways of the town of Waterloo to borrow money."

"An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings."

And found the same correctly engrossed.

*Ordered*, That said bills be read a third time.

Mr. L. Ward Smith from the select committee, to which was referred the engrossed bill from the Senate entitled "An act for the relief of George W. Murray," reported that the committee had gone through said bill and saw no reason why the same should not be passed into a law.

*Ordered*, That the said bill be committed to a committee of the whole House.

Mr. St. John, from the select committee, to which was referred the bill entitled "An act to amend an act for the preservation of pike or pickerel and other fish in sundry ponds and other waters, passed April 16, 1822," to report complete, reported that the committee had gone through said bill, and agreed to the same with amendments, and altered the title so as to read "An act to repeal the 9th section of an act entitled 'An act for the preservation of pike or pickerel and other fish in sundry ponds and other waters,' passed April 16, 1822," which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

Mr. Cornell from the select committee to which was referred the engrossed bill from the Senate entitled "An act for the relief of Mary Catharine Rapp," to report complete, reported that the committee had gone through said bill and agreed to the same without amendment, which report was agreed to.

*Ordered*, That the said bill be engrossed for a third reading.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, March 10, 1849.* }

TO THE ASSEMBLY :

I have this day approved and signed the bill, entitled as follows :

"An act to authorise the mayor and common council of the city of Brooklyn to create a loan for the purpose of erecting a city hall in said city."

HAMILTON FISH.

A message from the Governor was received and read, in the words following, to wit :

EXECUTIVE CHAMBER, }  
*Albany, March 12, 1849.* }

TO THE ASSEMBLY :

I have this day approved and signed the bills entitled as follows:

"An act to annex part of the town of Canajoharie to the town of Minden."

"An act to confirm the official acts of Jesse Rosecrants, a justice of the peace of the town of Candor."

"An act to amend 'An act to incorporate the Saugerties and Woodstock turnpike road company,' passed April 21, 1828,"

"An act to amend 'An act to incorporate the Brooklyn City Hospital,' passed May 8, 1845."

"An act to extend the time for calling in the capital stock of the Utica steam cotton mills."

"An act to enable the mayor, aldermen and commonalty of the city of New-York to extend the Croton water works."

HAMILTON FISH.

The Senate returned the engrossed bill, entitled "An act to incorporate the Buffalo Water Works company."

*Ordered*, That the Clerk deliver the said bill to the Governor.

A message from the Senate was received and read, informing that they have concurred in the amendment of the House to the bill, entitled "An act authorising a loan from the Common School Fund to the county of Orleans," and amended the same accordingly.

*Ordered*, That the Clerk return the said bill to the Senate.

A message from the Senate was received and read, requesting the concurrence of the Assembly to the bill entitled "An act to amend an act entitled 'An act in relation to the city of Troy,' passed Jan. 28, 1848," which was read the first time, and by unanimous consent was also read a second time, and referred to the committee on the incorporation of cities and villages.

A message from the Senate was received and read, informing that they had passed with the amendments therewith delivered, the engrossed bill, entitled "An act making appropriations for the support of common schools for the years 1849 and 1850."

The amendments were read, when

On motion of Mr. W. S. Smith,  
*Ordered*, That the said bill be referred to the committee on colleges, academies and common schools.

A message from the Senate was received and read in the words following, to wit:

*Resolved*, That the Honorable the Assembly be respectfully requested to transmit to the Senate a bill on their files introduced at the last session entitled "An act in relation to certain overpayments to the bank fund."

Mr. Speaker put the question whether the House would agree to the said resolution, and it was determined in the affirmative.

The engrossed bill from the Senate entitled "An act to amend the charter of the Jefferson County Institute," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 82 }  
 { NAYS 00 }

Those who voted in the affirmative are,

Mr. Bagley	Mr. Goff	Mr. W. H. Robertson
Mr. Bailey	Mr. Gove	Mr. Rockwell
Mr. Barber	Mr. Graham	Mr. Rose
Mr. Beekman	Mr. Guernsey	Mr. Rounseville
Mr. Bellinger	Mr. Hale	Mr. St. John
Mr. Boardman	Mr. Hall	Mr. Sexton
Mr. Boyce	Mr. Hammond	Mr. Skeel
Mr. Brinkerhoff	Mr. Hart	Mr. Slocum
Mr. Brewer	Mr. Hoyt	Mr. L. Ward Smith
Mr. Bull	Mr. A. Johnson	Mr. W. S. Smith
Mr. Bush	Mr. Kidd	Mr. Speaker
Mr. Buxton	Mr. McLean	Mr. Stevens
Mr. Campbell	Mr. McNeal	Mr. Stevenson
Mr. Carver	Mr. Maine	Mr. Terry
Mr. Clark	Mr. Mersereau	Mr. J. E. Thompson
Mr. Cornell	Mr. Miller	Mr. A. Tuttle
Mr. Curtis	Mr. Mowry	Mr. H. C. Tuthill
Mr. Danforth	Mr. Nash	Mr. Van Orden
Mr. Disosway	Mr. Pease	Mr. Varnum
Mr. Elderkin	Mr. Perley	Mr. Vincent
Mr. Fish	Mr. Picket	Mr. Wells
Mr. Fiske	Mr. Pierce	Mr. Wheaton
Mr. Fox	Mr. Porter	Mr. White
Mr. Gates	Mr. Pruyn	Mr. Whittaker
Mr. A. Gilbert	Mr. Raynor	Mr. Willard
Mr. L. M. Gilbert	Mr. Richards	Mr. Wilcox
Mr. Glass	Mr. A. Robertson	Mr. Wisewell
Mr. Goddard		

*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to provide for the appointment and payment of a clerk or clerks in the office of the surrogate of the county of Kings," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of the said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths of said members being present, as follows:

{ AYES 79 }  
{ NAYS 02 }

Those who voted in the affirmative are,

Mr. Bagley	Mr. L. M. Gilbert	Mr. Richards
Mr. Beekman	Mr. Glass	Mr. A. Robertson
Mr. Bellinger	Mr. Goddard	Mr. Rockwell
Mr. Boardman	Mr. Goff	Mr. Rose
Mr. Boughton	Mr. Gove	Mr. Rounseville
Mr. Boyce	Mr. Graham	Mr. St. John
Mr. Brinkerhoff	Mr. Guernsey	Mr. Sexton
Mr. Brewer	Mr. Hale	Mr. Skeel
Mr. Bull	Mr. Hall	Mr. Slocum
Mr. Bush	Mr. Hammond	Mr. L. Ward Smith
Mr. L. Butts	Mr. Hart	Mr. W. S. Smith
Mr. Buxton	Mr. Hoyt	Mr. Speaker
Mr. Carver	Mr. A. Johnson	Mr. Stevens
Mr. Clark	Mr. Kidd	Mr. Stewart
Mr. Cornell	Mr. McLean	Mr. Terry
Mr. Crispell	Mr. McNeal	Mr. J. E. Thompson
Mr. Crittenden	Mr. Maine	Mr. A. Tuttle
Mr. Culbert	Mr. Miller	Mr. H. C. Tuthill
Mr. Curtis	Mr. Mowry	Mr. Van Orden
Mr. Danforth	Mr. Nash	Mr. Varnum
Mr. Disosway	Mr. Pease	Mr. Vincent
Mr. Elderkin	Mr. Perley	Mr. Wells
Mr. Fish	Mr. Picket	Mr. Wheaton
Mr. Fiske	Mr. Pierce	Mr. Willard
Mr. Fox	Mr. Porter	Mr. Wilcox
Mr. Gates	Mr. Raynor	Mr. Wisewell
Mr. A. Gilbert		

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Those who voted in the negative are,

Mr. Bailey	Mr. Campbell	2
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*Ordered*, That the Clerk deliver the said bill to the Senate and request their concurrence in the same.

The engrossed bill from the Senate entitled "An act to extend the remedies at law against insurance companies," was read a third time.

Mr. Speaker put the question whether the House would agree to

the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 89 }  
{ NAYS 1 }

Those who voted in the affirmative are,

Mr. Bagley	Mr. L. M. Gilbert	Mr. W. H. Robertson
Mr. Bailey	Mr. Glass	Mr. Rockwell
Mr. Beekman	Mr. Goddard	Mr. Rose
Mr. Bellinger	Mr. Goff	Mr. Rounseville
Mr. Boardman	Mr. Gove	Mr. St. John
Mr. Boughton	Mr. Graham	Mr. Sexton
Mr. Bowen	Mr. Guernsey	Mr. Skeel
Mr. Boyce	Mr. Hale	Mr. Slocum
Mr. Brinkerhoff	Mr. Hall	Mr. L. Ward Smith
Mr. Brewer	Mr. Hammond	Mr. Speaker
Mr. Bull	Mr. Hart	Mr. Stevens
Mr. Bush	Mr. Hoyt	Mr. Stevenson
Mr. L. Butts	Mr. A. Johnson	Mr. Stewart
Mr. Buxton	Mr. Kidd	Mr. Terry
Mr. Campbell	Mr. McLean	Mr. B. Thompson
Mr. Carver	Mr. McNeal	Mr. J. E. Thompson
Mr. Clark	Mr. Maine	Mr. A. Tuttle
Mr. Cornell	Mr. Markel	Mr. H. C. Tuthill
Mr. Crispell	Mr. Mersereau	Mr. Van Orden
Mr. Crittenden	Mr. Miller	Mr. Varnum
Mr. Culbert	Mr. Mowry	Mr. Vincent
Mr. Curtis	Mr. Nash	Mr. Wells
Mr. Danforth	Mr. Pease	Mr. Wheaton
Mr. Disosway	Mr. Perley	Mr. White
Mr. Elderkin	Mr. Picket	Mr. Whittaker
Mr. Fish	Mr. Pierce	Mr. Willard
Mr. Fiske	Mr. Porter	Mr. Wilcox
Mr. Fox	Mr. Raynor	Mr. Wisewell
Mr. Gates	Mr. Richards	Mr. Woodruff
Mr. A. Gilbert	Mr. A. Robertson	

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Those who voted in the negative are,

Mr. W. S. Smith

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*Ordered,* That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill from the Senate entitled "An act to amend an act to extend third street east in the village of Jamestown to second street, passed April 10, 1848," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative,

a majority of all the members elected to the Assembly voting in favor thereof, as follows:

{ AYES 88 }  
{ NAYS 00 }

Those who voted in the affirmative are,

Mr. Bagley	Mr. Gates	Mr. A. Robertson
Mr. Bailey	Mr. A. Gilbert	Mr. W. H. Robertson
Mr. Barber	Mr. L. M. Gilbert	Mr. Rockwell
Mr. Beekman	Mr. Glass	Mr. Rose
Mr. Belinger	Mr. Goddard	Mr. Rounseville
Mr. Boardman	Mr. Goff	Mr. St. John
Mr. Boughton	Mr. Gove	Mr. Sexton
Mr. Bowen	Mr. Graham	Mr. Skeel
Mr. Boyce	Mr. Guernsey	Mr. Slocum
Mr. Brinkerhoff	Mr. Hale	Mr. L. Ward Smith
Mr. Brewer	Mr. Hall	Mr. Speaker
Mr. Budd	Mr. Hammond	Mr. Stevens
Mr. Bull	Mr. Hart	Mr. Stevenson
Mr. Bush	Mr. Hoyt	Mr. Stewart
Mr. L. Butts	Mr. A. Johnson	Mr. Terry
Mr. Buxton	Mr. Kidd	Mr. J. E. Thompson
Mr. Campbell	Mr. McNeal	Mr. A. Tuttle
Mr. Carver	Mr. Maine	Mr. H. C. Tuthill
Mr. Clark	Mr. Markel	Mr. Van Orden
Mr. Cornell	Mr. Mersereau	Mr. Varnum
Mr. Crispell	Mr. Miller	Mr. Vincent
Mr. Crittenden	Mr. Mowry	Mr. Wells
Mr. Culbert	Mr. Pease	Mr. Wheaton
Mr. Curtis	Mr. Perley	Mr. White
Mr. Danforth	Mr. Picket	Mr. Whittaker
Mr. Disosway	Mr. Pierce	Mr. Willard
Mr. Elderkin	Mr. Porter	Mr. Wilcox
Mr. Fish	Mr. Raynor	Mr. Wisewell
Mr. Fiske	Mr. Richards	Mr. Woodruff
Mr. Fox		

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*Ordered*, That the Clerk return the said bill to the Senate, and inform them that the Assembly have passed the same without amendment.

The engrossed bill entitled "An act to amend the charter of the St. Lawrence County Mutual Insurance Company," was read a third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly, voting in favor thereof, as follows:

{ AYES 79 }  
{ NAYS 03 }

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